

**OTAY RANCH PRESERVE OWNER/MANAGER (POM)
PRESERVE MANAGEMENT TEAM (PMT) MEETING**
County Administration Center, Room 212- Drake Conference Room
1600 Pacific Highway
San Diego, CA 92101

May 13, 2009
1:30 – 3:30 pm

AGENDA

- I. Call to Order**
- II. Approval of POM PMT Meeting Minutes of January 23, 2009 and March 17, 2009**
- III. Public Comment on items not related to Agenda**
- IV. Status Reports** (*Cheryl Goddard, Josie McNeeley*)
 - A. Preserve Steward/Biologist Scope of Work/Contract**
 - B. Future Preserve Owner/Manager Alternatives**
 - C. Access Issues**
 - 1. Access through other Public Agency lands
 - D. North of Village 13/Resort Site IOD Vacation/Substitution Proposal**
 - E. Phase 2 RMP Update**
- V. Future Infrastructure** (*Cheryl Goddard, Josie McNeeley*)
- VI. Finance** (*Josie McNeeley, Cheryl Goddard*)
 - A. FY08-09 - Budget Actuals**
 - B. FY09-10 – Revised Budget**
 - C. Updated 5-year Projected Budget**
- VII. Proposed Policy Committee Agenda** (*Cheryl Goddard, Josie McNeeley*)
- VIII. Next PMT Meeting**
 - A. TBD**
- IX. Adjournment**

DRAFT Meeting Summary
Otay Ranch POM PMT Meeting
276 Fourth Avenue, Building 300 (Public Services North)
Human Resources Training Room
Chula Vista, CA 91910

January 23, 2009
2:00 – 4:00 pm

ATTENDEES:

City of Chula Vista

Gary Halbert, Deputy City Manager
Jill Maland, Deputy City Attorney
Marisa Lundstedt, Principal Planner
Josie McNeeley, Associate Planner
Amy Partosan, Administrative Analyst

County of San Diego

Chandra Wallar, Deputy Chief Administrative Officer, Land Use & Env. Group
Mark Mead, County Counsel
Renée Bahl, Director, Department of Parks and Recreation (DPR)
Trish Boaz, Chief, DPR
Larry Duke, District Park Manager, DPR
LeAnn Carmichael, Planning Manager, Department of Planning and Land Use
Cheryl Goddard, Land Use Environmental Planner, DPR

Public

Amber Himes, U.S. Fish and Wildlife Service
Libby Lucas, CA Department of Fish and Game
Tom Tomlinson, McMillin Companies
Rikki Schroeder, RMA for McMillin Companies
Kim Kilkenny, Otay Ranch Company
Rob Cameron, Otay Ranch Company
Curt Noland, Otay Land Company
Michael Beck, Endangered Habitat League
Bruce Hanson, EDAW

Agenda Item Numbers noted in parentheses

1. Call to Order

(1.) Meeting called to order at 2:08 pm by County of San Diego/CHANDRA WALLAR. Typically the (Preserve Management Team) PMT representative in which the meeting is hosted chairs the meeting, however, since today is City of Chula Vista/GARY HALBERT'S first meeting, HALBERT has asked WALLAR to chair the meeting.

MICHAEL BECK asked when HALBERT accepted a position with the City of Chula Vista.

HALBERT stated right before Thanksgiving time.

RIKKI SCHROEDER asked HALBERT for a short introduction.

HALBERT introduced himself as the Deputy City Manager/Development Services Director for Chula Vista. The City went through a recent reorganization where planning and building, housing, economic development, and land development engineering are now under one department.

2. **(II.)** HALBERT motioned to approve the meeting minutes. Motion seconded by WALLAR. Motion carried.

3. **Public Comment on items not related to Agenda**
(III.) WALLAR opened and closed with no comment.

4. **Status Report**

(IV.A.1) City of Chula Vista/JOSIE MCNEELEY reported on future infrastructure as an outstanding issue holding up pending conveyances. There are approximately 114 acres pending conveyance due to future infrastructure. This includes 41 acres offered by Brookfield Shea and 73 acres offered by Otay Ranch Company. At the last Policy Committee meeting, staff was directed to schedule a mediation session. The mediation session is scheduled for February 25th. Upon completion of that process we will report back to the PMT and hopefully will have resolution to that issue.

(IV.A.2) MCNEELEY reported on access through other Public Agency lands as the second issue holding up pending conveyances. There are 606 acres pending conveyance due to access issues. Pursuant to the RMP, developers are required to provide legal access to conveyed lands to the POM. Currently 376 acres offered by Otay Ranch Company and 230 acres offered by McMillin Companies is affected by this issue. The existing roads needed to access those properties cross Fish and Game parcels and City of San Diego Water Department lands. POM staff is working with the developers as well as coordinating with those public agencies to identify a process to obtain recorded easements through those parcels. Staff has spoken with Tim Dillingham, Fish and Game, to initiate a temporary right of entry for the interim and will concurrently apply for a recorded easement through Fish and Game lands. Staff will work on the applications needed to initiate those procedures.

WALLAR asked if obtaining the temporary right of entry will allow the POM to accept the dedications of conveyance lands.

MCNEELEY stated that is correct. POM staff is working with Fish and Game on that process. For lands within the City of San Diego, POM staff will work with Otay Ranch Company and McMillan Companies to process that right of entry permit. There is more involvement with these lands. POM staff is working to see if fees can be waived with the City of San Diego.

WALLAR stated that POM staff should inquire if the City of San Diego has any flexibility in waiving fees or reducing costs if the right of entry is issued for a government agency to another government agency versus a government agency to a developer.

HALBERT said that the City of San Diego cannot waive the fees however the City of San Diego Water Department may be able to cover those fees. POM staff should inquire about this.

ROB CAMERON said that this is helpful. Originally, the City of San Diego wanted the developers to purchase the access rights. This is not an option as the access would lead to preserve lands only. It is helpful to have alternative options.

MCNEELEY stated that POM staff has made contact with all the right people. The Working Group suggested speaking with City of San Diego MSCP staff and that has been done. POM staff has also spoken with City of San Diego Water Department staff. It is a matter of getting the real estate folks in line.

(IV.B) County of San Diego/CHERYL GODDARD reported on future POM alternatives. To provide background, the Otay Ranch Preserve Joint Powers Agreement (JPA) implements the current POM structure. The JPA and Phase 2 Resource Management Plan (RMP) state that the JPA is to be reviewed every 5 years. The PMT and the Policy Committee, at their last meetings directed POM staff to explore future POM alternatives and the pros/strengths and cons/risks of each. These are discussed in the white paper included as a handout.

GODDARD stated that POM staff looked into the following POM alternatives: Existing POM; USFWS manages lands east of Otay Lakes and within the NWR boundary/Determine appropriate POM for remainder of conveyed preserve lands; Third Party POM; and two options for Jurisdictional POMs. Option 1 would have each jurisdiction be responsible for implementing POM tasks and responsibilities as outlined in the RMPs on conveyed preserve land within their respective jurisdiction

and Option 2 would have each jurisdiction be responsible for implementing POM tasks and responsibilities as outlined in the RMPs on conveyed preserve land associated with a development project within their respective jurisdiction.

GODDARD outlined each POM alternative. The Existing POM is implemented by the JPA; County and City have joint responsibilities for management and monitoring of the Preserve; JPA establishes the PMT and the Policy Committee; Funding is collected through CFDs or similar funding mechanism; Currently, because all the development has occurred within the City's jurisdiction and the County is responsible for management and monitoring of the Preserve, the County invoices the City for administrative, operational, and monitoring tasks. A description of the alternative for USFWS to manage lands east of Otay Lakes and within the NWR boundary/Determine appropriate POM for remainder of conveyed preserve lands includes that per the "Baldwin Agreement" USFWS agreed to have lands east of Otay Lakes and within the NWR boundary transferred to them; These lands total ~6,200, of which ~1,100 acres are currently owned and/or being managed by USFWS or CDFG; USFWS will be relieved of RMP obligations; Funding for management and monitoring of the transferred lands will be at no cost to Otay Ranch projects; County and City to determine appropriate POM for remainder of conveyed preserve lands; Funding source for the remainder lands is identical to the existing POM structure which would be a CFD or similar funding mechanism.

GODDARD continued with the POM alternative backgrounds. The Third Party POM would be responsible for all POM tasks, i.e. resource protection, monitoring and management, environmental education, research, recreation, and enforcement activities. Funding source identical to existing POM structure except Third Party POM to invoice the City and the County (once development has been built in the unincorporated County) for operational, management, and monitoring costs. For Jurisdictional POM - Option 1, the Preserve would be divided based on jurisdictional lines; County and City responsible for implementing RMP tasks and insuring POM responsibilities are completed for all conveyed preserve lands within their respective jurisdiction; Funding source identical to existing POM structure; County and City will need to come to agreement on a per acre rate for management and monitoring costs of conveyed preserve lands (rates to vary based on location and specific management and monitoring needs). For Jurisdictional POM – Option 2, County and City will be independent POMs to conveyed preserve lands associated with development projects within their respective jurisdiction; Conveyed lands must be managed and monitored in accordance to the jurisdiction's MSCP Subarea Plan in which the land is located; City to fund RMP tasks through CFD97-2; and the County to establish a CFD or

similar funding mechanism to fund RMP tasks once development projects are built within the unincorporated County.

GODDARD stated that POM staff drafted pros/strengths, cons/risks, and feasibility questions for each alternative. These have been included as a table in the white paper handout. It is POM staff's recommendation that the PMT support the recommendation to the Policy Committee to direct POM Staff to meet with the Wildlife Agencies, both regulatory and land management divisions, to obtain their feedback on the POM Alternative descriptions, pros/strengths, and cons/risks of each alternative; outline implementation steps needed to execute each alternative; draft estimated timelines to execute each alternative; and discuss the outcomes for the items listed above with the PMT and Policy Committee at their next regularly scheduled meetings.

WALLAR stated POM staff is exploring future POM alternatives because the current JPA is a two-party JPA. This becomes awkward in different scenarios such as the PMT and/or Policy Committee members cannot discuss POM agenda items due to Brown Act requirements. This limits communication. Also, if there is a disagreement on how to manage the Preserve, there is not an easy way to break or resolve the issue because there are only two JPA members. Therefore the PMT and the Policy Committee have asked staff to explore other POM alternatives to see if we can keep the same mitigation and preservation requirements with a different POM structure.

LIBBY LUCAS asked which organizations were interviewed in 1995 as a part of the original Third Party POM interviews. The white paper states "in 1995 after completing interviews for a Third Party POM, the County and the City determined that that role of the POM needed to be better defined and that the cost of operating the preserve needed to be more precisely calculated. It was further concluded that none of the candidates, acting alone, demonstrated the range of skills and experience necessary to permanently perform the POM function." LUCAS wanted to know if there has been a change over within those organizations since 1995.

SCHROEDER stated that there is now more land management experience and interest than there was in 1995. There is more than 10 years that have gone by. There may be different results this time around if Third Parties are interviewed as the POM for the Preserve.

BECK asked if there is a statutory time limit driving the POM alternative process as the JPA requires a review every 5 years.

WALLAR stated no. It is just the desire of the Policy Committee to explore other POM structures.

BECK asked for clarification on the Third Party alternative. Is the Third Party alternative being passed over based on interview outcomes in 1995?

GODDARD stated no. The information included in the white paper provided historical data of what happened when the City and County interviewed third parties back in 1995.

County of San Diego/RENÉE BAHL stated that at the last Policy Committee meeting, Deputy Mayor Rindone offered that the Third Party POM was not his embraced option and the County did not object to that. At this time, County staff has been instructed not to spend too much time on this option as Deputy Mayor Rindone indicated it was not his embraced option.

WALLAR stated that Deputy Mayor Rindone did make the comment that the Third Party POM was not his preferred option as there was enough issues with the two jurisdictions and adding a third party on top of that would add more complications.

AMBER HIMES stated that the Wildlife Agencies don't necessarily agree with Deputy Mayor Rindone's position. The Agencies ask that this alternative be looked at and explored just as the other alternatives are being explored.

WALLAR stated that this decision can be made by the Policy Committee.

HALBERT stated that looking at all the alternatives is not inconsistent with POM staff's recommendation.

City of Chula Vista/MARISA LUNDSTEDT stated that Deputy Mayor Rindone did state he was not in favor of a Third Party POM however he did not take it off the table as an alternative.

WALLAR agreed. However, it merits a comment at the Policy Committee meeting to recap what was said by the previous City Policy Committee representative. As mentioned by HALBERT it isn't inconsistent with the current recommendation.

HIMES agreed with LUNDSTEDT in that Deputy Mayor Rindone did not take Third Party POM off the table for discussion and it should be explored along with the other alternatives.

LUCAS also agreed that each alternative should be looked at equally.

KIM KILKENNY stated that his organization has supported over the last 14 or 15 years that the property east of the lakes should be transferred to the Wildlife Services and they continue to honor that commitment made in the Baldwin Agreement. In terms of the recommendation, KILKENNY requests that POM staff meet with property owners and other interested stakeholders in addition to the Wildlife Agencies to obtain their input on the POM alternatives.

WALLAR agreed to include the property owners and other interested stakeholders.

HALBERT also agreed.

KILKENNY stated that his organization has always been attracted to that option so he hopes it remains on the table.

WALLAR stated that it will be good once Councilmember McCann joins the Policy Committee so that he can provide his input.

HALBERT stated that the third party option doesn't necessarily have to be a stand alone option. It could be incorporated into one of the other options.

SCHROEDER stated that the third party option could be an option within an option and it would provide for someone who could respond to both jurisdictions and they can report back their on-the-ground findings.

BECK asked if there would be a timeframe for the research and investigation portion of this process.

MCNEELEY stated that POM staff can try and coordinate a meeting with the Wildlife Agencies prior to the next PMT meeting. The PMT and Policy Committee meetings are held quarterly so the next PMT meeting is anticipated to be held in March or April.

WALLAR asked if there is a specific action required of the PMT.

GODDARD stated that the PMT may make a motion to support POM staff's recommendation with amendments.

HALBERT made a motion to support POM staff's recommendation with the amendment that POM staff report back to the Policy Committee in April.

SCHROEDER asked if the PMT's recommendation includes directing staff to meet with the property owners and other stakeholders in addition to the Wildlife Agencies to obtain input.

HALBERT stated yes.

LUNDSTEDT asked that the recommendation further be modified to have POM staff report back to the PMT in April before taking it to the Policy Committee.

WALLAR agreed and seconded the amended motion. The motion carried.

5. Finance

(V.A.) MCNEELEY provided an update on the FY08-09 budget. The beginning FY08-09 Fund Balance was \$378,274. The estimated budget for FY08-09 is \$505,500. The City went to levy for the maximum amount of \$510,339 for FY08-09. The first tax bill installment was due on December 10th. The County transferred approximately \$213,000 to the City as its first installment. At face value, this is less than half of what was projected for the first installment.

HALBERT asked for clarification. The \$213,000 is less than half of what was projected for the total levy amount not what was projected for the first installment.

MCNEELEY stated yes. A delinquency rate has been factored into the 5-year budget projection table. It is critical to consider that the City has just received the first installment funds and it is early in the collection. In discussion with the City's finance staff, the City will be receiving funds from the County through the second installment date of April 10th. The \$213,000 will increase over the time being. The County expressed a concern that the current delinquency rate as indicated by the first installment total be used in the 5-year budget projection. The \$213,000 first installment total is an initial number and is a preliminary number. City POM staff will work with its finance staff and coordinate with the County of San Diego to update the installment total collected through property taxes. Penalties are added to late payments. If there are liens placed on homes and it is purchased, the new owner pays for the liens including past due tax bills. POM staff will continue to update the numbers. As the second installment date gets closer, City staff will provide the collection numbers to the County and will factor in that delinquency rate in the 5-year budget forecast.

WALLAR stated that there is a concern since the first installment collection is typically the larger of the two collections. Based on the numbers provided, if the first collection total is simply doubled, there would be an

approximately 20% delinquency rate. Staff will need to watch this carefully and on the County's end will need to watch the expenditures. WALLAR stated she is very concerned. On the County's end, the County does not believe the delinquency rate will decrease, it will likely increase. The POM will need to be on top of the delinquency rate.

MCNEELEY stated she agreed and that the City has the same concern. City staff is coordinating with their finance staff but that it is early. MCNEELEY agreed that the first installment is typically the larger of the two so staff will track the numbers closely. As the second installment approaches, staff will determine if the delinquency rate indicates an increase or if it will remain the same. City staff has considered a delinquency rate in the 5-year budget forecast as well as in the current fiscal year budget. POM staff has looked at the current year budget and has identified potential rollover funds that have not been expended this year or have been encumbered in a contract. POM staff has met with the Working Group to discuss how those funds can potentially be used. POM staff will need to review the current expenditures and the projections for the next two quarters and see where we stand with the budget. City staff is aware of the risk of going over the potential budget and the possibility that the budgeted amount of \$505,500 may not be collected. City staff will revisit the numbers and provide them to County staff and then we can sit down with the Working Group to re-evaluate how the funds can be used and tasks reprioritized. It is clear that this room understands the current state of the economy.

WALLAR stated that the POM would like to expend as much money as it can for the Preserve without going over budget and that can be a difficult thing to do.

MCNEELEY stated the County's concern is duly noted.

HIMES asked if the December 10th and April 10th tax bill installments are to be used for the FY 08-09 budget.

MCNEELEY stated yes.

HIMES clarified that the \$505,500 was not collected at the beginning of the fiscal year.

MCNEELEY stated yes. The second tax bill installment is due on April 10th. Expenditures to date total \$69,933. Additional expenditures are expected before the end of FY 08-09. Essentially those costs entail cost time. Staff has spent time on conveyance issues like future infrastructure with a scheduled mediation set for February. It also includes the cost for the park ranger. It is anticipated that the remainder of the budget will

include staff time and costs for the park ranger. Although the expenditures to date are low, Dudek has completed tasks associated with the original contract and are in the process of completing tasks for the spring. Contract payment is based on deliverables and once the deliverables are accepted, payments will be made.

WALLAR asked if there will be a slide showing projected expenditures for the full fiscal year.

MCNEELEY stated that such a slide can be added for the next PMT meeting. POM staff will need to sit down to identify any roll over funds. MCNEELEY stated that prior to receiving the collection amount for the first installment, POM staff met with the Working Group and reviewed the current budget. Funds that were not expected to be expended or tied to an existing contract were identified. This totaled \$340,000. As expressed earlier, this amount will need to be re-evaluated. POM staff met with the Working Group on December 17th and January 5th which were right before and after the holidays. At the Working Group meetings, POM staff identified approximately \$340,000 that may potentially be reallocated for other priority tasks. The tasks and their associated costs are as follows: Surveying of an additional 286 acres of suitable CAGN habitat (\$10,000); Spring floral survey (\$15,000); Quino survey (\$56,000); Two additional Herp survey sessions (\$8,200); Cultural surveys San Ysidro parcel (\$25,000); On-going biological surveys (\$65,000); Updated RMP/Preserve Biologist (\$100,000); and As-needed management and monitoring (\$60,800). The tasks are primarily to complete baseline surveys. It also identifies tasks associated with the Short-term Management Plan for the lands currently under POM ownership that includes the San Ysidro parcel and the Otay Valley parcel. In addition, there are on-going management tasks identified for lands under POM ownership. Through Working Group input, a need for a Preserve Biologist was identified to do day-to-day monitoring and to determine if there are needs for non-native invasive removal or needs for restoration due to burns, that was factored at \$100,000. The remaining \$60,800 was allotted for as-needed management and monitoring tasks. As we review this list, it must be emphasized that POM staff will review the numbers and identify a more realistic number that covers the remaining budget for this fiscal year and then regroup with the Working Group to prioritize tasks.

WALLAR asked if the tasks shown on the slide are in any priority order.

MCNEELEY stated that essentially they are listed from highest to lowest priority. The first four bullets are related to the completion of baseline data which, with input from the Working Group, is information we need to obtain; the cultural survey is a priority 1 task listed in the Short-term

Implementation Plan; and then the on-going monitoring was recommended by the Working Group.

WALLAR asked if the County agrees with the prioritization order.

GODDARD stated yes. The County agrees that the tasks are listed from highest to lowest priority as shown on the PowerPoint slide. GODDARD noted that the Preserve Biologist is proposed at \$100,000. This amount was based on the current fiscal year budget in which POM staff anticipated approximately 1,000 acres to be conveyed to the POM by the end of the 2008 calendar year. This acreage was not conveyed and so the \$175,000 allotted for baseline surveys of the new conveyance lands has not been expended. The \$100,000 is considered more of a one-time fund and a position for a Preserve Biologist has not been built in the budget for future fiscal years.

HALBERT asked if the budget had a shortfall of \$100,000, would the Preserve Biologist be eliminated to cover the shortfall.

MCNEELEY stated that POM staff envisions having an opportunity to revisit with the Working Group to reprioritize tasks. The Working Group provides valuable input and at the last meeting it was identified that a Preserve Biologist is needed. Our current contract has our consultant completing baseline surveys which are very focused, per the recommendation of the Working Group, specifically the Wildlife Agencies, it is very important to have a Preserve Biologist on-the-ground.

HALBERT asked specifically in relation to the \$340,000. If there was a shortfall of \$100,000 would the Preserve Biologist be cut or would the entire budget be re-examined>

MCNEELEY stated that the entire budget would be re-examined.

HIMES asked for clarification regarding "On-going biological surveys, Updated RMP/Preserve Biologist, and As-needed management and monitoring". HIMES understands Updated RMP to be someone sitting in front of a computer and updating the RMP to today's conditions but that the Preserve Biologist, on-going biological surveys, and as-needed management seem like the same exact thing. So if we need to re-examine the budget those would be the tasks that we could massage. For example, if there was a \$100,000 shortfall, but there was an identified need for invasive removal, the POM can take \$20,000 and see how many treatments can be done. There is an easy way to break down the costs.

MCNEELEY stated that the County and the City have identified the line item for an Updated RMP/Preserve Biologist but that staff is still in the

process of identifying what tasks the biologist will be. The City would like to see a Preserve Biologist that is out on the grounds doing observations. This position would be counterpart to the Wildlife Service land manager, John Martin, and Fish and Games Tim Dillingham. It is someone who would be knowledgeable about current preserve conditions and report back their observations. It would be someone who is out on the grounds on a regular basis.

LUNDSTEDT stated that the City would like to get things completed on the ground. That is the City's priority. Policy documents should be completed in-house with staff with the assistance of the biologists in regards to protocol where their expertise is most valuable. There will be cost savings if staff completes policy documents and delegate as much as the POM can for someone on the ground looking for things that need to be tracked.

CAMERON stated that the FY09-10 Budget proposes a full-time ranger for the Preserve. Is a full time ranger needed if a Preserve Biologist is on-site?

LUNDSTEDT stated that with the current conveyance condition, the half-time park ranger is good to have for patrolling and to check for trespassing and fence conditions. POM staff has agreed that a full-time park ranger is not needed until we reach a threshold as shown in footnote 7 of the proposed FY09-10 budget. POM staff did have the discussion and didn't want to assume the full-time ranger is needed at the start of the fiscal year unless we could demonstrate that the need is there. POM staff agreed that the need would be there if an additional 700 acres is conveyed to the POM. This provides assurance that if additional acreage is not conveyed to the POM that the extra money allotted for a full-time ranger could be diverted back to the Preserve biologist or other resource management tasks.

WALLAR stated that she appreciates staff's and the Working Group's efforts in prioritizing tasks. The PMT will need to make recommendations to the Policy Committee and the Policy Committee may adopt those recommendations. WALLAR is concerned about the \$100,000 for the Preserve Biologist. Most of the tasks listed require one-time funding. A Preserve Biologist, like the ranger, is an on-going cost.

LUNDSTEDT stated that MCNEELEY will discuss budget projections under the 5-year budget. The 5-year is a handy tool for everyone. The City asks that as the POM moves forward with budgeting that the POM pull money for an on-going biologist even if it is at half-time. It is important to have those types of eyes on the ground and the Wildlife Service has provided feedback and recommendations that support a preserve biologist. The City will strive to find money for a Preserve Biologist.

Through the Working Group meetings, the Wildlife Agencies have identified tasks like vegetation mapping that is being completed by other agencies and will not need to be duplicated. This could be a cost-saving effort for the POM.

WALLAR stated that the POM needs to be cautious that the recommendation for a Preserve Biologist has associated on-going costs. The other items are one-time costs. POM staff needs to be cautious that this recommendation is not sold as a one-time cost since there are in fact associated on-going costs. The Policy Committee will need to be clear on the recommendation.

GODDARD stated that it should be noted that the POM currently only manages 1300 acres of the entire Preserve. From the County's perspective, when the \$100,000 was proposed for an Updated RMP/Preserve Biologist, the County envisioned an end product, that being an updated RMP to include Area Specific Management Directives (ASMDs). The ASMDs would describe the current condition of the preserve in its entirety and the POM could adjust management and monitoring priorities as-needed. The County focused this to be a one-time task so that the POM has an updated document. If the County and the City remain as the POM or if the Policy Committee chooses an alternative POM, the updated document will act as a tool in managing the Preserve. A Preserve Biologist will be valuable once the preserve assemblage has reached a certain threshold and lands are conveyed to the POM but that threshold has not been met with the 1300 acres.

WALLAR asked for clarification regarding "On-going biological surveys, updated RMP/Preserve Biologist, and As-needed management and monitoring". WALLAR asked what the benefits and costs are associated with each. What is being purchased or services completed? How do these products and services complement or duplicate each other? There isn't enough information for the PMT to make a recommendation to the Policy Committee in regards to prioritizing the tasks.

GODDARD stated that the \$65,000 for the On-going biological surveys is to be used on the 1,300 acres the POM currently manages. Dudek is in the process of completing baseline surveys. They have completed summer surveys and will complete spring surveys this year. The on-going biological surveys will continue to track the condition of the sensitive species found on those lands. Again, that money will focus on the POM-managed lands. The \$100,000 for the Updated RMP/Preserve Biologist is meant to have a wider range in that it would be used to track the current condition of the entire preserve. It wouldn't necessarily focus on the POM-managed lands.

WALLAR asked for clarification on the \$100,000 and if the Preserve Biologist would be monitoring the entire Preserve.

GODDARD stated they would complete a baseline survey for the entire preserve to determine presence/absence of sensitive species. POM staff categorized the remaining \$60,800 as as-needed management and monitoring. This is basically contingency funds for any as-needed tasks such as the removal of identified non-native invasive species on POM-managed lands.

WALLAR state that those funds are basically contingency funds and if future tasks are identifies, then the money would come from those funds.

HIMES stated that it was her and Susan Wynn that proposed the Preserve Biologist. In their perspective, one of the current concerns for the Preserve is that there hasn't really been any active management. No one really knows what is going on with the 1,300 acres being managed by the POM and that is a big problem. A Preserve Biologist like John Martin for the Service or Tim Dillingham for Fish and Game is needed to say what tasks are needed to be completed in the Preserve. For example they can identify if there is arundo or tamarisk that needs to be removed, they could come up with a list of tasks for the Preserve. Right now there isn't anyone who can do that who is on the ground. The idea is to have someone on the ground walking around and noting on a GPS unit any invasive species they observe and requires removal. They can come back and spray and remove at a later date. They can also note any trails that are being created by illegal off-road vehicles. This person will have a better idea of what is happening on the ground. The Service doesn't envision this person being stuck behind a computer. Deliverables aren't necessarily the biggest thing for the Service. The Service wants to insure that the Preserve is healthy and being managed instead of having pieces of paper telling us what's going on in one month's situational baseline. That's not as important to the Service as active management is.

KILKENNY stated that it's been his organizations goal to have a preserve that works on the ground. This means that we know that the habitat and species that are supposed to be conserved per the RMP and MSCP are being conserved or if they aren't being conserved there is early warning and we can hear recommendations on how to intervene. In that regard, Otay Ranch Company would also like clarification on the last three bullets on the slide. Otay Ranch Company is concerned about the amount of money being spent on administration, partially due to the fact that the POM is comprised of two entities and there are duplications and conflicts that arise. In regards to a full-time ranger, because of the remote location of the lands currently in POM ownership, a ranger is a less of a priority than having a Preserve Biologist out in the field who sees violation issues

of the law but also can flag habitat and species issues as HIMES noted. Otay Ranch Company supports the concept of a Preserve Biologist. We continue to strongly oppose any money spent on cultural studies. It is not a requirement of the RMP and it was not anticipated by the RMP. Otay Ranch Company is not opposed to baseline surveys being completed for lands that are conveyed, however they don't need to be completed routinely and absolutely if there are other priorities. A Preserve Biologist could tell us if there are habitats and/or species at risk and the money should focus on them. Money can also be leveraged with grant programs with desirable outcomes for the Preserve.

SCHROEDER stated that based on the Working Group meeting, vegetation mapping will be done by other entities and may eliminate or reduce the need for vegetation mapping throughout the entire Preserve. That means we can shift money other on-the ground needs. The only way to know what the on-the-ground needs are is to have the Preserve Biologist there. Speaking for TOM TOMLINSON, McMillin Companies concurs with KILKENNY.

BECK stated he also concurs with KILKENNY.

TOMLINSON stated he was concerned with the title of Updated RMP since the RMP is a good policy document. The goal would be to refine that document.

WALLAR asked staff for clarification.

GODDARD stated the updated RMP would consider Otay Ranch Company's draft updated Phase 2 RMP which updates the exhibits and figures based on development numbers within the City's jurisdiction; it would include all actions taken by the Policy Committee, the County Board of Supervisors, and Chula Vista City Council since the document was originally adopted. It would provide the historic background of the RMP. It would also include an implementation plan through ASMDs that would direct staff of the needs of the Preserve.

WALLAR stated that it may make sense to separate the Updated RMP and Preserve Biologist because they are currently lumped together and it appears that there are several pieces to it that don't really deserve to be lumped together.

GODDARD stated that it is important to keep in mind as MCNEELEY mentioned earlier that POM staff will need to review the numbers identify a true amount for possible roll-over.

WALLAR agreed and stated that it will be helpful if the different components of the Updated RMP and Preserve Biologist were separated. It will help in prioritizing a Preserve Biologist versus updating a document versus implementation.

GODDARD addressed the need for a cultural survey that KILKENNY brought up. The original RMP directed the first developer of each major parcel to complete cultural surveys for the entire parcel. Otay Ranch is comprised of the Otay Valley Parcel, the San Ysidro Parcel, and the Proctor Valley Parcel. Subsequently the County approved an amendment to the Otay Ranch RMP and General Development Plan/Subregional Plan that now directs if a developer processes a SPA in a major parcel, as a condition to the SPA, they will be required to complete cultural surveys on only those lands that they own. For example, for Village 13, Otay Ranch Company is proposing a SPA and as a condition of the SPA they will need to complete cultural surveys for all the lands they own in Proctor Valley. For the San Ysidro property, fee title has already been transferred to the County and the City. It wouldn't matter if there is any proposed development on the San Ysidro property because the County and the City already own it. Cultural studies are listed as a priority 1 task in the Short-term Implementation Plan and that is why we have it listed in the proposed spending plan.

WALLAR stated that she understood the pieces but that the PMT may not agree with the prioritization.

LUNDSTEDT stated that the City's MSCP Subarea Plan requires ASMDs. As development progresses in the City there have been associated conveyed lands. Plan work should not be duplicated and efforts should not focus on updates that are already being addressed. For example, the Otay Ranch Company has submitted their ASMDs for their conveyed lands and that is where some of the work has already been done. The preserve biologist should not focus on that type of work. They could help POM staff on the technical side to supplement any appendices that need updating. Some ASMDs have already been drafted.

GODDARD stated that the \$100,000 would be used to draft ASMDs for the entire preserve.

LUNDSTEDT stated that when lands are conveyed, if they are through the City, the City will require that ASMDs be completed for those lands.

WALLAR stated that more discussion and clarification is needed of staff. The Updated RMP/Preserve Biologist proposed line item needs to be separated and clarified.

HALBERT stated that the POM shouldn't move forward on the tasks especially because they are in a priority order without knowing what the revenue stream is going to look like for the rest of the year. HALBERT stated that most of the clarification questions surrounded "Updated RMP/Preserve Biologist and the As-needed management and monitoring" proposed line items. HALBERT recommended that the PMT support items 1-6 on the PowerPoint (Surveying of an additional 286 acres of suitable CAGN habitat; Spring floral survey; Quino survey; Two additional Herpetological survey sessions; Cultural surveys San Ysidro parcel; and On-going biological surveys) and have staff come back with clarification on the "Updated RMP/Preserve Biologist and the As-needed management and monitoring" proposed line items.

WALLAR agreed.

MCNEELEY stated that staff will need to review the cost estimates to determine if those funds will actually be available by the end of the fiscal year to complete each task.

HALBER stated that he does not disagree with moving forward with all the tasks listed but understands the discomfort on the County's end of not having clarity on the "Updated RMP/Preserve Biologist and the As-needed management and monitoring" proposed line items.

HIMES stated that the first line item "Surveying of an additional 286 acres of suitable CAGN habitat" may be undertaken by the team of people on the Service's Bioteam. Susan Wynn would be able to give a definite answer on that.

GODDARD stated that Dudek was authorized to complete the surveying of the additional 286 acres of suitable CAGN habitat last year and that money has been committed to the existing contract.

LUCAS stated that Fish and Game also supported having a field biologist on the ground not doing RMP updates in front of a computer. Members of the NCCP are concerned about the lack of monitoring biologists on the ground in all the preserves so if that can be arranged for the Otay Ranch Preserve, it is of the utmost importance. The recommendation for the Preserve Biologist shouldn't be taken in isolation because the email that the Wildlife Service provided proceeded to list elements that have been proposed in the budget that they do not think are necessary for instance the gnatcatcher surveys that HIMES mentioned - not that the gnatcatcher surveys need to be completed, but that they may not need to be funded. In regards to the size of POM managed lands, 1,300 acres is a large amount of land that needs to be monitored and managed. That warrants any amount of money it takes to get a field biologist on the ground.

SCHROEDER asked the PMT to consider moving the Preserve Biologist up in the order of priority. There is a lot of work being completed in the region, having a Preserve Biologist out in the field would help in eliminating duplicative tasks and costs. It could solve many issues. The Preserve Biologist should not be updating the RMP but there is other work that can be completed. They can provide early warning for species at risk like the Cactus wren. In regards to the cultural surveys, it is listed as a priority 1 task in the Short-term Implementation Plan, however, on a practical standpoint, there is no proposed development in the area. Cultural surveys don't need to be completed until there is development proposed be it a staging area or a trailhead. It isn't necessary right now and on the ground management should be a higher priority. SCHROEDER asked that the PMT modify their recommendation.

WALLAR asked the group if they agreed with the two additional herpetological survey sessions.

HIMES stated that Susan Wynn spoke with Clark Winchell and Robert Fischer and they agreed that two additional survey sessions were needed.

HALBERT modified his recommendation to move Cultural Surveys down in priority below On-going biological surveys. The modified recommendation is to support 1) Surveying of an additional 286 acres of suitable CAGN habitat; 2) Spring floral survey; 3) Quino survey; 4) Two additional Herpetological survey sessions; and 5) On-going biological surveys. It sounds like even with a shortfall, the CFD should be able to fund all the tasks. The Preserve Biologist would be providing the as-needed management and monitoring. Really there is \$160,000 for a Preserve Biologist in FY08-09. The POM would only need a fraction of that money. The question becomes, even if there is sufficient funds, should the cultural surveys still be completed. This should be discussed with the Working Group.

WALLAR supported the modified recommendation.

(V.B) MCNEELEY summarized the line items for the proposed FY09-10 budget. Administration totals \$126,025. Preserve Operation and Maintenance totals \$77,740. As a part of this cost, the Seasonal Park Attendant position is proposed to be converted to a Park Ranger position. If the POM does not receive an additional 700 acres by the middle of FY09-10, the Seasonal Park Attendant position will not be converted and the remaining funds may be reallocated to additional management or monitoring tasks (as-needed). Resource Monitoring Program totals \$267,500 for baseline surveys and on-going monitoring. A roll-over of \$60,000 is shown from FY07-08 to fund the existing contract with Dudek.

A roll over amount of \$340,000 is shown from FY08-09 towards the Resource Monitoring Program. This roll over amount will be re-visited and updated accordingly. City Finance staff will run the numbers to determine the max tax to go out to levy for.

WALLAR asked if a City Council hearing date had been set.

MCNEELEY stated no.

WALLAR requested that a worst-case scenario budget be prepared in case the delinquency rate is higher.

MCNEELEY stated that one could be prepared.

BECK discussed the cost for the baseline survey and on-going monitoring. Crestridge has 3,000 acres and an annual budget of \$300,000. Ideally, the budget should be \$500,000. The budget includes work for restoration, survey work, and grant writing. The restoration efforts include grassland restoration and invasive removal. There are maintenance issues as the land has historically been abused. There is a difference between pristine land and those that need more attention. Crestridge will take 10 years before it can be assessed at an annual per acre cost to manage and monitor.

(V.C) MCNEELEY summarized the assumptions used on the 5-year budget forecast. At least 10 assumptions were used to prepare the budget forecast table. These assumptions include 1) The number of taxable parcels will change as more development within Otay Ranch is completed or annexed into the district; 2) ²The Average per parcel assessment is for illustrative purposes only, as parcel classification varies and effects each parcel's tax rate; 3) Revenue factors a delinquency rate of 8.16% to the levy amount. This will be reviewed as the second installment collection dates gets closer; 4) The Carry Forward Budget (Reserve) is equal to the funds remaining at the end of the previous fiscal year; 5) The Health of the Carry Forward Budget (Reserve) is equal to the fund balance over current year budget; 6) The actual interest earned for FY07-08 was \$18,905. For every FY after 07-08, it is assumed that the fund balance will earn \$15,000 in interest. The actual interest earned requires complicated calculations. \$15,000 is a conservative assumption; 7) The Operational Expenditures includes the cost of City/County Admin staff time, CFD consultant, Seasonal Park Attendant/Park Ranger salary, and Preserve equipment and improvement costs. The Seasonal Park Attendant position is proposed to be converted to a Park Ranger in FY 09-10. If the POM does not accept an additional 700 acres by the of middle of FY09-10, the Seasonal Park Attendant position will not be converted and the remaining funds may be reallocated to additional management or

monitoring tasks (as-needed). The operational expenditures includes a cost of living adjustment; 8) Baseline surveys are one-time costs and are completed on newly conveyed lands. The cost of baseline surveys is calculated at \$225/ac. It is assumed that: 900 acres will be conveyed to the POM in FY09-10; 9) On-going biological surveys are annual biota monitoring costs on POM managed lands. The cost of on-going biological surveys is calculated at \$50/acre; 10) Additional Management/Monitoring Fund is a contingency fund that can be used on active management on POM managed lands or Preserve-wide biota monitoring efforts (minus those lands managed or owned by the federal or state government).

WALLAR cautioned the inclusion of a cost of living adjustment for operational expenditures. The County recently went through a fee increase process and an automatic cost of living adjustment was a point of contention for some of the Board of Supervisor members.

6. Proposed Policy Committee Agenda

(VII.) GODDARD stated that the proposed Policy Committee Agenda is included as a handout.

HALBERT motioned to approve the Policy Committee Agenda.

WALLAR seconded the motion. Motion carried.

7. Next PMT Meeting

(VII.) HIMES asked about the motion made regarding the spending plan for the remaining funds from the current fiscal year. There is a timing issue to get funds encumbered in a contract. HIMES asked when the issue would be revisited.

WALLAR stated that a single-purpose PMT meeting could be scheduled to avoid the timing issue. The meeting could be scheduled for one hour or less and the location determined based on PMT representative schedules.

8. Adjournment

(VIII.) Meeting was adjourned at 3:53pm.

ATTACHMENT A

MEETING SIGN-IN SHEET	
Project: Otay Ranch Preserve Management Team Meeting	Meeting Date/Time: January 23, 2009, 2:00-4:00 pm
Place/Room: 276 Fourth Avenue, Building 300 (Public Services North) Human Resources Training Room Chula Vista, CA 91910	

Name	Organization	Phone	E-Mail
Cheryl Goddard	COSD - DPR	858 966 1374	
Trish Borge	COSD - DPR	858 966 1570	
Marisa Lundstedt	CCV	(619) 409-5922	mlundstedt@ci.chula-vista.ca.us
Tosie McNeely	CCV	(619) 49-5422	TmcNeely@ " "
AMY PARTOSAN	CCV	(619) 407-3599	
Rikki Schroeder	RNA Cons.	(760) 741-7462	rikki.mae.3156@sbcglobal.net
Amber Himes	FWS	760-431 9440 x208	amber_himes@fws.gov
LeAnn Carmichael	COSD - DPR	8-694-8739	
Rob Cameron	Otay Ranch Co	234-4050	Rob@OTAYRANCH.COM
Bruce Hanson	EDAW	619-302-6960	bruce.hanson@edaw.com
Libby Lucas	CDFG	8-467-4230	elucas@cdfg.ca.gov
Kim Killenny	ORE	619 234 4000	kim@otayranch.com
Tom Tomlinson	McMillin	619 794-1304	TTomlinson@mcmillin.com
CHRIS NORLAND	OLE	760 918 8200	CNORLAND@HFC-CA.COM
Michael Beck	EHL		
LARRY DUKE	DPR	858-966-1363	

DRAFT Meeting Summary
Otay Ranch Special POM PMT Meeting
County Administration Center, Room 302/303
1600 Pacific Highway
San Diego, CA 92101

March 17, 2009
10:00 – 11:00 am

ATTENDEES:

City of Chula Vista

Gary Halbert, Deputy City Manager
Marisa Lundstedt, Principal Planner
Josie McNeeley, Associate Planner
Amy Partosan, Administrative Analyst
Tessa Quicho, Administrative Analyst

County of San Diego

Chandra Wallar, Deputy Chief Administrative Officer, Land Use & Env. Group (LUEG)
Megan Jones, LUEG Staff Officer
Mark Mead, County Counsel
Renée Bahl, Director, Department of Parks and Recreation (DPR)
Trish Boaz, Chief, DPR
Larry Duke, District Park Manager, DPR
LeAnn Carmichael, Planning Manager, Department of Planning and Land Use
Cheryl Goddard, Land Use Environmental Planner, DPR

Public (per sign-in sheet, attached)

Susan Wynn, U.S. Fish and Wildlife Service
Libby Lucas, CA Department of Fish and Game
Justin Craig, McMillin Companies
Tom Tomlinson, McMillin Companies
Rob Cameron, Otay Ranch Company
Bob Penner, Otay Land Company

Agenda Item Numbers noted in parentheses

1. **Call to Order**
(I.) Meeting called to order at 3:08 pm by County of San Diego/CHANDRA WALLAR.
2. **Public Comment on items not related to Agenda**
(II.) WALLAR opened and closed with no comment.

3. Finance

(III.A) County of San Diego/CHERYL GODDARD provided a recap of the Policy Committee's direction from their last meeting held February 4, 2009. The Policy Committee directed POM staff to prepare a scope of work for a Preserve Biologist in coordination with the Working Group; present the scope of work to the PMT for consideration at a Special PMT meeting; delegate authority to the PMT to review and approve the proposed funding and scope of work for a Preserve Biologist, as well as, approve the reallocation of the potential remaining FY08/09 rollover funds; and further directed POM staff to move forward with the agreed upon PMT recommendation.

GODDARD stated that a scope of work for a Preserve Biologist was drafted by POM staff and then discussed at a Working Group meeting held February 18th. Written comments on the draft scope of work was received from the Wildlife Agencies and the Otay Ranch Company. POM staff incorporated many of the comments into a revised scope of work which was posted on the County's Otay Ranch Preserve website on March 10th.

GODDARD stated that as the scope of work is written, the Preserve Biologist may be an independent biologist or a consulting firm. The scope of services include on-going services including: preparing an annual work plan; coordinating Otay Ranch preserve management, monitoring, and reporting with the POM, Wildlife Agencies, Otay Ranch land owners who may convey to the POM, regional monitoring entities and interested public groups; performing biological monitoring as directed by POM staff; participating in regional and subregional meetings related to preserve management and monitoring; implementing basic stewardship tasks such as repairing fences and/or constructing new fencing/gates, monitoring and reporting trash and litter, and monitoring and reporting enforcement issues; and participating in public hearings and meetings. The Preserve Biologist would also complete biological surveys and on-going biological monitoring similar to the scope of work for our current Dudek contract. The Preserve Biologist would implement adaptive management if there is an identified need to remove invasives or to implement restoration efforts, for example if there was illegal off-roading that took place and impacted habitat areas. The Preserve Biologist would also be tasked with reporting their observations from the field to POM staff. Additional services includes completing a gap analysis between the Phase 2 RMP and the County and City's adopted MSCP plans, assisting in the preparation of grant proposals, and assist in the technical revisions to Phase 2 RMP.

County of San Diego/MARK MEAD recommended that on page 1 of the scope of work, first paragraph, that the following line be deleted "The biologist (i.e. Preserve Steward) providing the biological services shall act

as an extension of POM staff.” This should eliminate any confusion as to whether the consultant is an independent contractor or not.

City of Chula Vista/GARY HALBERT stated that in relation to compensation, the City hopes that they will be more than just consulted in regards to scopes and fees of future tasks.

WALLAR stated that both the County and the City have had increasing administrative costs and that is a concern for POM staff as well as a number of stakeholders. WALLAR asked if it was more appropriate for the City to manage the contract and at that point, the County’s contribution on the work plan would be on a broad conceptual level and it would be up to the City to authorize those tasks on a one-on-one with the consultant. The mechanism of control would be the work plan and if there were disagreement between staff, that those issues may be elevated to the PMT.

HALBERT stated that the City would be fine with that.

County of San Diego/RENÉE BAHL stated that one entity needs to manage the contract so she is ok with the City doing so. It will streamline the process.

WALLAR stated she had comments regarding trying to maximize resources and eliminate duplication. The last time the PMT met, there was discussion of having the Preserve Biologist complete minor maintenance work out in the field. For instance, if there was a minor fence repair or minor trash pick up, that they would take care of it versus calling a Ranger to do so and having the costs associated with a Ranger. This is in regards to minor work only. If it were a major task, the Ranger would also have to contract out the work. WALLAR stated she wanted to see language in the scope of work that reflected the Preserve Biologist completing minor fencing needs and trash collection. WALLAR asked if there was any discussion regarding this matter.

City of Chula Vista/JOSIE MCNEELEY stated that POM staff had an opportunity to discuss the Ranger position with the Working Group and possibly eliminating that position. However, it was emphasized at the meeting that the key in having the Preserve Biologist is to utilize their technical expertise in monitoring and surveying the preserve resources. The scope of work does not preclude them completing tasks as WALLAR suggested. If the Preserve Biologist is in the field and they see areas with trash, they can do minor pickup. Fence repair may need to be contracted out if it is not a simple task at hand. These tasks would be left up to the Preserve Biologist. Having the park Ranger would be beneficial because it allows the park Ranger to regularly monitor for illegal dumping and

illegal access. The Working Group suggested having the Ranger work a limited amount of hours to be able to complete vehicle visits to the sites. They would use existing access roads and it would not entail them having to traverse through the sites but just monitor the general overview of POM managed lands. The Ranger could possibly work 10 hours or less a week.

WALLAR stated she has a concern over duplication of efforts. Since the scope of work doesn't preclude the Preserve Biologist from doing minor maintenance, WALLAR wanted language included that directed the Preserve Biologist to complete minor debris collection and minor fence repairs. The cost of a Ranger shouldn't be added. If the Preserve Biologist needs assistance in completing major work, then the Ranger could be a contact in finding a separate contractor to complete the work, but there shouldn't be a duplication in effort out in the field. WALLAR would prefer to see the dollars traditionally used to fund a Ranger be spent on preservation, more on the ground work, monitoring, etc.

MCNEELEY stated that POM staff can review the scope of work and allow or indicate that the Preserve Biologist would have the ability to do minor maintenance work as appropriate in coordination with the County Ranger. That language is currently built into the scope of work. Per discussions with the Working Group, the group realizes there may be duplication in efforts in regards to reporting illegal activities and trash pick up, however the critical point with the scope of work, is for the Preserve Biologist to provide the technical expertise on monitoring efforts or restoration if that is what is needed in the field. POM staff can explore the request and have further discussion.

WALLAR stated she did not want staff to further explore this issue but rather to include direction for the Preserve Biologist to complete minor maintenance in the scope of work.

HALBERT stated the scope of work should include minor repairs or minor amounts of debris removal with more significant repairs or debris removal to be coordinated with the park Ranger or a contractor. The thought being that if the Preserve Biologist can take care of something in an hour or so, they should do so instead of calling somebody else in.

GODDARD suggested the deletion of language in the scope of work to address the PMT's direction. On page 4, Section A. On-Going Services, Item 6.a delete "coordinate with a County Ranger or appropriate contractor to", leaving the following task, "Monitor existing fencing/gates and identify needs for additional access control; repair or construct fencing/gates." For Item 6.b. delete "and report to a County Ranger or appropriate contractor", leaving the following task "Monitor and remove

trash, litter, and other debris.” Page 1 of the scope of work states that if the selected biologist is an independent biologist, they must have the ability to monitor subcontractors. Therefore the biologist could contract out if there is a need for major fence construction or a big hauling and disposal job.

WALLAR stated that the word “minor” should be inserted so that the tasks read “Monitor existing fencing/gates and identify needs for additional access control; repair minor or construct minor fencing/gates” and “Monitor and remove minor trash, litter, and other debris.” The Preserve Biologist shouldn’t be spending huge amounts of time on this task or constructing hundreds of yards of fencing. The Preserve Biologist shouldn’t be hired to do just menial tasks.

HALBERT suggested the following language “Monitor existing fencing/gates and identify needs for additional access control; provide minor repairs and coordinate with a County Ranger or appropriate contractor for significant repairs or construct more significant fencing/gate needs.”

BAHL stated that if the work was significant that the County Ranger would also have to contract out the work. In the interest of previous comments of not spending too much on administration, if the work is significant, the Ranger would contract the work out so the POM would have the pay the County Ranger for their time in contracting out the work.

WALLAR stated that could fall back to contract administration and the City could determine, working with the Preserve Biologist, if it were appropriate to contract the work out.

HALBERT then suggested the following language for Item 6.a of the scope of work, “Monitor existing fencing/gates and identify needs for additional access control; provide minor repairs and appropriate contractor to make more significant repairs or construct more fencing/gate.” For Item 6.b., HALBERT suggested the following language “Remove minor amounts of trash, litter, and debris; monitor and appropriate contractor to remove more significant amounts of trash, litter, and other debris.”

LIBBY LUCAS stated that it seems that too much responsibility is being put on the Preserve Biologist/Steward to do contractual work unless she misunderstood the changes to the scope. The Preserve Biologist shouldn’t be mired in contractual work. Would the Preserve Biologist coordinate with the City to contract the work out or would they directly contract the work out? It is understood that the first page of the scope of work requires that the Preserve Biologist have the ability to manage subcontracts, but that was meant to subcontract for biological expertise

that the selected Preserve Biologist doesn't have, not for maintenance expertise.

MCNEELEY stated that if there is a need to contract work out, the Preserve Biologist would coordinate with the City. There will be coordination in that the Preserve Biologist would need to meet the contractor out in the field to identify where the clean up or fencing repair is needed.

LUCAS asked for clarification in the language proposed by HALBERT. LUCAS asked if the scope should read that the Preserve Biologist will coordinate with the City, not an appropriate contractor, for more significant work.

WALLAR stated her assumption was there would be a task order issued to the Preserve Biologist and the Preserve Biologist would insure that the work was done the next time he/she was in the area.

HALBERT agreed. It is more cost effective to do it that way then for the Preserve Biologist to come back to the City. The point is that the Preserve Biologist should be performing basic stewardship and that includes keeping their eyes out for problems with trash and fencing. To the extent that they can take care of the issues themselves, they should. When they cant, they should have some kind of as-needed contract.

WALLAR agreed.

SUSAN WYNN stated she agreed that the Preserve Biologist should complete minor work, for example, if a barbed wire needs to be circled around, he/she should do so to be the most opportunistic. Additionally, if he/she sees a weed that needs to be pulled, they should pull that as well. Exotic removal isn't included in the scope of work as a basic stewardship task. If possible, that should be directly referenced in the scope of work. A Preserve Biologist shouldn't replace the Ranger. The concern is that there were tasks not getting completed so this person was meant to be an additive. The stewardship and Ranger were functioning, but the biological monitoring needed work. The Preserve Biologist is meant to do those tasks that the Agencies felt aren't being efficiently completed. WYNN is concerned that the Preserve Biologist is being asked to replace the Ranger completely. WYNN asked if the Rangers implement enforcement, for example, letting bicyclists that they cant ride on certain trails or that OHV shouldn't be occurring.

BAHL clarified that currently, it is a Seasonal that performs the work. Seasonals are not badged and they have no law enforcement. The County's Department of Parks and Recreation has no law enforcement or

citation abilities. The Seasonal patrols the lands and picks up trash and fixes fencing and ensures that signs are up. They are the one person that is out there. The Dudek contract is meant to complete the biological monitoring.

WYNN stated that the new work plan showed the Seasonal position transitioning to a Ranger position.

BAHL stated that a 10-hour/week Ranger is not possible. It is either a full-time person or its not. It was the will of the Working Group not to go to a full-time position. Another full-time Ranger cannot be pulled from another park that is already short on hours.

WYNN stated that the Ranger is focusing on one set of tasks and the biological monitor is focusing on a separate set of tasks. The biological monitor will be completing the work that Dudek is currently completing but the scope of work was meant to gain some flexibility in having a person on the ground with the ability to tell us what they did and saw out in the field. They would be completing additional tasks. WYNN agrees that if the Preserve Biologist is out in the field and there is minor work that needs to be completed they should do it. WYNN asked for clarification on Page1, first paragraph, of the scope of work. It was her understanding that the Preserve Biologist would focus on POM managed lands as a first priority but that they would be allowed to perform work on pre-conveyed lands.

WALLAR stated that she understands the desire for biological work to be completed on all lands within the Preserve however, WALLAR believes that the CFD funds should focus on lands managed by the POM and not pull the Preserve Biologist to other lands that aren't a priority.

GODDARD stated that the second to the last sentence in the first paragraph states "Under certain circumstances, the Preserve Steward may be directed to conduct biota monitoring on pending and pre-conveyed lands within the Otay Ranch Preserve." The Preserve Steward would focus on POM managed lands as a first priority but under certain circumstances, if there were additional funding, the steward may be asked to perform biota monitoring tasks on pre-conveyed lands.

WYNN asked how the tasks would be directed.

GODDARD stated that any task would be initiated through a task order. Since the City will be managing the contract, they would draft the task order based on what is left in the budget and any potential roll over amounts. The Policy Committee would then decide if spending the money on pre-conveyed lands is what is best for the Preserve.

WYNN stated that is exactly what is not currently working. The goal was to get a Preserve Biologist on the ground. It is agreed that the first priority is for the Preserve Biologist to monitor POM managed lands but to the extent that the Preserve Biologist is monitoring a population, species don't follow parcel lines.

WALLAR stated that the scope of work incorporates the flexibility to use funds on pre-conveyed lands if the POM chooses to do so.

City of Chula Vista/MARISA LUNDSTEDT stated that some of the confusion regarding the Ranger position is based on discussion from the last Working Group. There was discussion to keep the Ranger position but with a limited amount of hours. It was not understood at that meeting that the Ranger position had to be 40 hours or nothing. The Working Group decided collectively that there was a need to keep a limited amount of Ranger time on the books. This is the first time that the no Ranger option is actually being discussed.

WALLAR stated that she is open to revisiting adding the Ranger if this model does not work. However, WALLAR has heard a number of times from the stakeholders that they want to see work being completed on the ground and less to administrative costs. The Ranger should be used sparingly. POM staff has put together a great model and the POM should try it out. The POM can always adjust things if needed.

LUNDSTEDT stated she agreed that the Ranger should be used sparingly but that the position is still needed for coordination efforts.

LUCAS asked for clarification regarding a Ranger's enforcement abilities. If a Ranger cannot cite illegal activities, how would enforcement occur on the Preserve lands? For example, what if there are access issues or encroachment that shouldn't be happening?

BAHL stated that it would be addressed the same way it is handled today, through contacting the Sheriffs. This is the most common mechanism. County Parks and Recreation does not have any other mechanism to cite on any of the lands it manages. This is not specific to just Otay.

LUCAS asked if any of the Rangers had law enforcement abilities.

BAHL stated none of the Rangers have law enforcement abilities. The rangers don't have citing or law enforcement abilities. They contact the Sheriff's when law enforcement is needed.

LUCAS asked for clarification on Page 1, first paragraph, second sentence. MEAD recommended that this line be struck out. LUCAS

suggested instead of deleting the line, that “contracted” be added in front of biologist so that the line read “The contracted biologist (i.e. Preserve Steward) providing the biological services shall act as an extension of POM staff.”

MEAD stated that wouldn’t address the issue. Contractors should be independent contractors not a part of agency staff for liability purposes. As written, the scope of work leaves it open as to whether or nor the Preserve Biologist is in fact an independent contractor.

WYNN stated that it is more the statement that the Preserve Biologist would be acting as an extension of POM staff that is the issue.

MEAD stated yes.

WALLAR stated it is a legal and liability issue.

GODDARD stated that going back to enforcement abilities, GODDARD has requested that the Ranger note how many illegal off-road activities he observes so that POM staff can turn this information over to the Sheriff’s. If it is a big issue, hopefully the Sheriffs can come out to the area as often as they are available to start issuing citations.

ROB CAMERON asked for additional clarification on Page 1, first paragraph, second sentence. The purpose of that sentence is to state that the Preserve Biologist would be working at the direction of POM staff. CAMERON suggested changing the language to read “The biologist (i.e. Preserve Steward) providing the biological services shall act at the direction of POM staff.”

WALLAR agreed.

HALBERT agreed.

WALLAR made a motion to approve the scope of work with the amendments made by HALBERT and suggested by CAMERON. The motion includes that a Ranger not be included in the scope. WALLAR would like to see how things go and if it is identified that a Ranger is needed then it can be discussed at a future PMT meeting.

HALBERT seconded the motion. Motion passed.

WYNN requested that the meeting minutes reflect that the Agencies are uncomfortable with the elimination of the Ranger position. It was not their intention that the Preserve Biologist replace the Ranger.

WALLAR stated the meeting minutes shall reflect WYNN'S request.

GODDARD asked for clarification on the motion. GODDARD asked if the motion included the modification to the compensation language so that the County and the City were switched in that the City will now be the lead on the contract.

WALLAR stated yes, that modification should be included. WALLAR had included that modification as a part of the amendments made by HABLERT.

GODDARD provided additional information on the contract. The scope of work has been drafted for an as-needed contract. The costs for tasks will be associated with task orders drafted by the City. The next steps for the scope of work is for the City to advertise a Request for Statement of Qualifications, Interview qualified applicants, and select a Preserve Steward/Biologist and execute the contract by the end of the fiscal year.

(III.B) MCNEELEY provided a recap from the last PMT meeting. At that meeting, \$340,000 was identified as the potential FY08-09 rollover funds. Also at that meeting, the PMT approved \$89,200 of that amount to be used towards spring surveys that needed to be completed as a part of the baseline surveys on lands currently managed by the POM. The spring surveys include, surveying an additional 286 acres of suitable CA gnatcatcher habitat at \$10,000; spring floral surveys at \$15,000; Quino surveys at \$56,000; and two additional herpetological survey sessions at \$8,200. The \$89,200 was deducted from the \$340,000 which leaves \$250,800 left in potential rollover funds. The \$250,800 is proposed to be allocated to the Preserve Steward/Biologist, including Preserve management and monitoring tasks. POM staff recommends that the PMT approve up to \$250,800 of potential FY08-09 rollover funds for the Preserve Steward/Biologist contract including implementation of Preserve management and monitoring tasks.

WALLAR asked if the \$340,000 assumed any delinquency rate.

MCNEELEY stated that it is the potential amount to be collected. The Preserve Biologist contract will note that it will be a contract for up to \$250,800. The \$340,000 does not factor in a delinquency rate.

WALLAR stated that staff should note that the \$250,800 should not be spent if the delinquency rate is higher or the actuals end up being more than projected.

MCNEELEY agreed.

WALLAR asked that POM staff provide the PMT with an update on budget actuals and the delinquency rate at their next meeting.

MCNEELEY stated yes.

HALBERT made a motion to support POM staff's recommendation.

WALLAR seconded the motion. Motion passed.

WYNN asked when the potential rollover funds would be available. Will they be used in FY09-10 since the contract still needs to be executed?

MCNEELEY stated yes.

WYNN asked if this is considered one year funding or two year funding or is that still up in the air until a delinquency rate is factored in?

WALLAR stated that these funds are what are anticipated to left over to be used towards efforts next fiscal year.

WYNN asked for clarification. The funds would be used towards next fiscal year but it could actually fund more than just one year's work.

WALLAR stated that is correct. Around this time next year, the POM will be looking at potential rollover funds for the next fiscal year and plan to rollover them over to the FY10-11 budget.

WYNN asked if the Preserve Biologist would be hired on an annual basis.

GODDARD stated that when the County was going to be the lead on the contract, the County would have structured the contract to be multi-year, for up to 10 years. With the City now being the lead on the contract, it will be up to the City on how they structure the contract, but it is likely they also will structure it to be multi-year.

WYNN asked if the contract will have a clause to be able to renew the contract as funding is available.

LUNDSTEDT stated that language will be structured into the contract.

LUCAS asked if the Preserve Biologist would be hired this calendar year.

WALLAR stated that based on the slide provided by POM staff, the intent is to hire the Preserve Biologist by July 1st.

GODDARD stated POM staff anticipates having the contract executed by the end of the fiscal year in order to encumber the funds.

TOM TOMLINSON asked when the actual task orders will be flushed out. The current scope of work is a general overview of tasks.

MCNEELEY stated that staff will be working on that as soon as possible after the Request for Statements of Qualifications are advertised.

WALLAR stated that specific task orders should be ready to go so that on July 1st, the Preserve Biologist would be ready to work and literally be out in the field.

4. Next PMT Meeting

(IV.) POM staff is in the process of scheduling the 2009 PMT and Policy Committee meetings. POM staff does not have the next PMT meeting scheduled at this time, however, it is anticipated that it will be held in late April/early May.

WALLAR asked if the PMT will be updated on mediation results at the next PMT meeting.

MCNEELEY stated yes. At the Policy Committee meeting, POM staff indicated that mediation would take place prior to the next PMT meeting. POM staff is currently looking into April to schedule the mediation.

WALLAR asked if POM staff is working on POM Alternatives.

MCNEELEY stated yes.

WALLAR asked if an update regarding access to pending conveyances will be provided at the next meeting.

MCNEELEY stated yes.

WYNN asked for clarification regarding the Preserve Biologist scope of work. WYNN stated that there was agreement that exotic removal should be added as a basic stewardship task but it may not have been captured in the motion.

WALLAR stated yes. It was WALLAR'S intention to include that addition to the motion.

LUCAS stated that in Section B.3 of the scope of work, the Agencies requested that the line be amended to read "Assist in the preparation of biological resource reports and Area Specific Management Directives

meeting City, County, State, and Federal criteria” since the Preserve Biologist will be the primary field person they will see what the priorities are for the Preserve. They should be able to participate in the development of the Area Specific Management Directives.

WALLAR stated that she is ok with having that task added to future task orders.

MCNEELEY stated that Section E.3 of the scope of work includes “Assist in the technical revisions of Phase 2 RMP and provide recommendations for prioritization and implementation of resource management directives.”

LUCAS asked for clarification if resource management directives are the same as Area Specific Management Directives.

MCNEELEY stated yes.

8. Adjournment
(VIII.) Meeting was adjourned at 3:47pm.

ATTACHMENT A

MEETING SIGN-IN SHEET

Project: Otay Ranch Preserve
Preserve Management Team Meeting

Meeting Date/Time: March 17, 2009, 10:00-11:00 am

Place/Room: County Administration Center, Room 302/303
1600 Pacific Highway, San Diego, CA 92101

[illegible]

FUTURE POM ALTERNATIVES
05.13.09

	Existing POM	Agencies (NWR, CDFG, & BLM) manage lands east of Otay Lakes/Determine appropriate POM for remaining conveyed preserve lands	Third Party POM	Jurisdictional POMs Option 1: Each jurisdiction is responsible for implementing POM tasks and responsibilities as outlined in the RMPs on conveyed preserve land within their respective jurisdiction	Jurisdictional POMs Option 2: Each jurisdiction is responsible for implementing POM tasks and responsibilities as outlined in the RMPs on conveyed preserve land associated with a development project within their respective jurisdiction
PROS/STRENGTHS	<ul style="list-style-type: none">+ County and City are currently serving as preserve land managers+ County and City have served as the POM for 12 years and have the experience and resources to manage the Preserve	<ul style="list-style-type: none">+ USFWS service will take on the management and monitoring requirements of all lands transferred to them+ USFWS will manage the lands at no cost to Otay Ranch projects+ The County and City will need to identify a POM for a smaller portion of land, which may be more manageable for a non-profit organization, or third-party POM.+ The existing POM, or an alternative POM, can focus more on recreation, and environmental education and research projects in the Otay Valley Parcel. These efforts can be coordinated with the Otay Valley Regional Park (OVRP) Joint Staff.+ It is unlikely that the County or the City will have the need to levy for the maximum assessment amounts possible	<ul style="list-style-type: none">+ One entity will be responsible for all POM tasks, i.e. resource protection, monitoring and management, environmental education, research, recreation, and enforcement activities+ Third Party POM may be able to spend more time completing on-the-ground management tasks than administrative tasks+ Because the Third Party POM may have more time for on-the-ground management tasks, they will have the technical knowledge of specific resource needs and priorities+ With the technical knowledge of specific resource needs and priorities, a Third Party POM will have better cost estimates on needed management and monitoring tasks.+ With a Third Party POM, the PMT and Policy Committee could choose to meet less often, twice a year vs. quarterly	<ul style="list-style-type: none">+ County and City can serve as preserve land managers+ Eliminate the need for a joint PMT and Policy Committee+ Policy issues would be resolved by each respective jurisdiction	<ul style="list-style-type: none">+ County and City can serve as preserve land managers+ Eliminate the need for a joint PMT and Policy Committee+ Policy issues would be resolved by each respective jurisdiction+ Budget issues would be resolved by each respective jurisdiction+ County and City will be independent POMs to conveyed preserve lands associated with development projects within their respective jurisdiction
CONS/RISKS	<ul style="list-style-type: none">- County and City will need to rely on biological consultants to conduct species-specific management and monitoring tasks.- Because the County and the City are joint POMs, policy decisions must be resolved jointly. Policy decisions require a unanimous vote by the Policy Committee. If a unanimous vote cannot be reached, it may require mediation, and may hold up pending conveyances until the policy issue is resolved, i.e. future infrastructure.- The PMT and Policy Committee currently meet quarterly which requires staff to focus more on administrative tasks than on-the-ground management tasks or focusing on potential environmental education/research projects.	<ul style="list-style-type: none">- Unknown timing on when the USFWS will implement the agreement- A POM will still need to be identified for remaining preserve lands	<ul style="list-style-type: none">- Limited qualified candidates- Previously, the County and City could not find an acceptable candidate to serve as POM. To date, the City is unable to find an acceptable entity that is willing to accept the management and monitoring responsibilities of Chula Vista MSCP Preserve land.- Third Party POM is similar to the existing POM structure in that there is still the need for a County and City POM Policy Committee, PMT, and Staff to review the Third Party POM monitoring reports and ensure that the RMP tasks and all POM responsibilities are being completed.- If policy issues arise, they will need to be resolved jointly by the County and the City see (see Existing POM Cons/Risks).	<ul style="list-style-type: none">- The County and the City may contract with different consultants to complete baseline and on-going monitoring. Standard survey methodologies and reporting forms should be utilized to insure consistency.- The County and City will need to agree on per acre rates for management and monitoring costs of conveyed preserve lands.- Economy of scale for the management and monitoring of the preserve will be reduced	<ul style="list-style-type: none">- The County and the City may contract with different consultants to complete baseline and on-going monitoring. Standard survey methodologies and reporting forms should be utilized to insure consistency.- Economy of scale for the management and monitoring of the preserve will be reduced

(cont'd)	Existing POM	Agencies (NWR, CDFG, & BLM) manage lands east of Otay Lakes/Determine appropriate POM for remaining conveyed preserve lands	Third Party POM	Jurisdictional POMs, Option 1: Each jurisdiction is responsible for implementing POM tasks and responsibilities as outlined in the RMPs on conveyed preserve land within their respective jurisdiction	Jurisdictional POMs, Option 2: Each jurisdiction is responsible for implementing POM tasks and responsibilities as outlined in the RMPs on conveyed preserve land associated with a development project within their respective jurisdiction
<p>IMPLEMENTATION STEPS</p> <p>NOTES:</p> <p>1. All POM alternatives with the exception of Existing POM will require County and City to amend or dissolve current Otay Ranch JPA and amend RMP (requires Board of Supervisor and City Council action)</p> <p>2. POM staff to update and provide recommendations to the PMT and PC at critical points of any alternative(s) chosen.</p>	N/A – Status Quo	<p>Preserve Lands east of Otay Lakes</p> <p>1. County and City to begin discussions w/Agencies’ Land Managers regarding transferring management and monitoring responsibilities of conveyed and future conveyances into the Otay Ranch Preserve lands to the Agencies</p> <p>2. County, City, and agreeable Agencies to determine distribution of lands</p> <p>3. Agencies to identify conditions and requirements for land transfers</p> <p>4. County and City to determine if land transfer conditions and requirements can be met</p> <p>5. If conditions can be met, County, City, and agreeable Agencies to draft a MOU. MOU to include the following:</p> <ul style="list-style-type: none">▪ A condition that Agencies manage and monitor lands at no cost to Otay Ranch▪ A condition that Agencies manage and monitor lands per MSCP requirements▪ A process on transferring future conveyances from developers to the Agencies <p>6. Enter into a MOU with agreeable Agencies (requires Board of Supervisors and City Council action)</p> <p>7. County and City to provide evidence that lands currently conveyed to the POM meet the Agencies’ conditions and requirements</p> <p>8. If the conveyed lands meet the Agencies’ conditions and requirements, County and City to quitclaim the San Ysidro property (517 acres) and transfer it to the accepting Agency</p> <p>Remaining conveyed preserve lands</p> <p>9. City and County to decide appropriate POM for remaining conveyed Preserve lands</p> <ul style="list-style-type: none">▪ POM staff to consider Working Group comments on the POM alternatives then rank the remaining three POM alternatives accordingly▪ POM staff to make recommendation to the PMT and PC	<p>1. County and City to discuss and come to consensus on the following:</p> <ul style="list-style-type: none">▪ Qualification for Third Party POM,▪ Roles of the County and City, including the administration of the contract, and;▪ Whether to continue or terminate contract with current Preserve Steward/Biologist. <p>2. Meet with Working Group to re-evaluate POM qualifications, discuss roles, responsibilities, and goals of the Third Party POM</p> <p>3. Amend the JPA and RMP:</p> <ul style="list-style-type: none">▪ Redefine roles for County and City▪ Identify the responsibility of the Third Party POM▪ Change JPA to state title to the lands to be conveyed will be held by Third Party POM <p>4. County and City advertise a Request for Statements of Qualifications for a Third Party POM (the SOW will be similar to the Preserve Biologist/Steward SOW)</p> <p>5. County and City interview qualified candidates</p> <p>6. County and City select a Third Party POM</p> <p>7. County, City, and Third Party POM enter into a three-party contract (may require City Council action)</p> <p>8. Meet with Working Group and Third Party POM to determine priorities and establish work plan</p> <p>9. Present work plan to the PMT and PC for approval and initiation</p> <p>Note: County and City POM Policy Committee, PMT, and Staff shall continue to review the Third Party POM management and monitoring reports to ensure that the RMP tasks and all POM responsibilities are being completed. County and City POM Policy Committee would continue to take action on Policy issues.</p>	<p>1. Dissolve JPA and amend RMP:</p> <ul style="list-style-type: none">▪ Each jurisdiction will solely be responsible for policy interpretations and/or future amendments to the documents originally approved jointly by the County and the City <p>Redefine POM Management Structure including the roles of the County and City</p> <p>2. Review MSCP requirements with Wildlife Agencies in order to determine if a MOU between the County, City, and Wildlife Agencies is needed to clarify MSCP obligations</p> <p>3. Draft MOU between County and City. MOU to identify a funding agreement.</p> <ul style="list-style-type: none">▪ Funding agreement is needed as development impacts and associated CFD may be located in one jurisdiction and the associated conveyance land may be in the other jurisdiction.▪ Funding agreement to include a per acre cost to manage and monitor the land▪ Funding agreement to include a payment schedule <p>4. County and City to enter into the MOU</p> <p>5. Each jurisdiction to manage and monitor conveyed lands within their jurisdiction independently.</p> <ul style="list-style-type: none">▪ Each jurisdiction may choose to manage and monitor the conveyed lands via hiring a Preserve Biologist/Steward or hiring consultants to complete required biological and cultural surveys (as-needed). <p>6. Each jurisdiction independently advertises for a Preserve Biologist/Steward or consultant</p> <p>7. Each jurisdiction interviews qualified candidates.</p> <p>8. Each jurisdiction independently selects a Preserve Biologist/Steward or consultant.</p> <p>9. Each jurisdiction independently enters into a contract with their selected candidate (may require City Council action).</p>	<p>1. Dissolve JPA and amend RMP:</p> <ul style="list-style-type: none">▪ Begin discussions to determine a process for future policy interpretations and/or amendments to the jointly approved documents (GDP/SRP and RMPs)▪ Redefine POM Management Structure including the roles of the County and City <p>2. Draft MOU between County and City. MOU to determine how each jurisdiction shall conduct management and monitoring on conveyed Preserve lands the RMP</p> <p>3. Review of MSCP requirements with Wildlife Agencies in order to determine if a separate agreement is needed between the County, City, and Wildlife Agencies to clarify MSCP obligations</p> <p>4. Appropriate parties to enter into the MOU</p> <p>5. Each jurisdiction may choose to manage and monitor the conveyed lands via hiring a Preserve Biologist/Steward or hiring consultants to complete required biological and cultural surveys (as-needed).</p> <p>6. Each jurisdiction independently advertises for a Preserve Biologist/Steward or consultant</p> <p>7. Each jurisdiction interviews qualified candidates.</p> <p>8. Each jurisdiction independently selects a Preserve Biologist/Steward or consultant.</p> <p>9. Each jurisdiction independently enters into a contract with their selected candidate (may require City Council action).</p>

(cont'd)	Existing POM	Agencies (NWR, CDFG, & BLM) manage lands east of Otay Lakes/Determine appropriate POM for remaining conveyed preserve lands	Third Party POM	Jurisdictional POMs Option 1: Each jurisdiction is responsible for implementing POM tasks and responsibilities as outlined in the RMPs on conveyed preserve land within their respective jurisdiction	Jurisdictional POMs Option 2: Each jurisdiction is responsible for implementing POM tasks and responsibilities as outlined in the RMPs on conveyed preserve land associated with a development project within their respective jurisdiction
FEASIBILITY	N/A – Status Quo	<ul style="list-style-type: none">- Will the USFWS take lands east of Otay Lakes within the NWR without a funding source?- Will the County, City, and City of SD, as the signatories to the OVRP JEPA, want to absorb POM responsibilities for the Otay Valley parcel Preserve lands?	<ul style="list-style-type: none">- Are there qualified candidates for this size of a Preserve?- How different is a Third Party POM from the status quo?	<ul style="list-style-type: none">- County and City will need to come to consensus on a funding agreement.- Legal consultation is needed to determine how jointly approved documents (GDP/SRP and RMPs) will be implemented or amended if County and City are each solely responsible for policy interpretations and/or future amendments to the documents	Legal consultation is needed to determine how jointly approved documents (GDP/SRP and RMPs) will be implemented or amended if County and City are each solely responsible for policy interpretations and/or future amendments to the documents
ESTIMATED TIMELINE	N/A – Status Quo	Lands east of Otay Lakes <ul style="list-style-type: none">- Dependent on on-going discussions with the Agencies and if County and City can meet the Agencies’ land transfer conditions and requirements. Remaining conveyed preserve lands <ul style="list-style-type: none">- Dependent on which POM structure is chosen	6 months - 1 year	6 months - 1 year	6 months - 1 year



County of San Diego

DEPARTMENT OF PARKS AND RECREATION

RENÉE E. BAHL
DIRECTOR

Administrative Office: (858) 694-3030
Fax: (858) 495-5841
Reservations: (858) 565-3600

www.sdparks.org

April 27, 2009

Niki McGinnis
Watershed and Resource Protection
City of San Diego Water Department
600 'B' Street, 11th Floor, MS 911
San Diego, CA 92101

Dear Ms. McGinnis:

RE: RIGHT OF ENTRY REQUEST TO OTAY RANCH PRESERVE LANDS

The Otay Ranch Preserve (Preserve) is a hard-line preserve and includes over 11,000 acres to be set-aside as mitigation for impacts to sensitive resources resulting from Otay Ranch development that will occur both within the County of San Diego (County) and the City of Chula Vista (City). See attached Exhibit "A" for a location map of the Preserve. The Preserve has been designed and will be managed specifically for protection and enhancement of multiple species present on Otay Ranch. These dedicated conservation lands will also serve to connect large areas of open space through a series of wildlife corridors, including connections between regional open spaces such as Otay Reservoir and San Miguel Mountain. The County and the City, currently serving as the Otay Ranch Preserve Owner/Manager (POM), manage and monitor lands conveyed to the Preserve.

As POM staff has previously discussed, the County and the City are in the process of accepting title to property within the Preserve. The County and the City require access to the Preserve lands for the purpose of monitoring and maintaining the biological resources of these lands in perpetuity. The property owner conveying the Preserve lands is also granting the County and the City access over surrounding property they own via dirt roads that currently exist. At this time, the County and City are in the process of accepting title to several parcels currently owned by McMillin Company and



Right of Entry Request
to Otay Ranch Preserve Lands

April 27, 2009

Otay Ranch Company. These parcels in question are located to the southeast (Exhibit "B") and north (Exhibit "C") of the Lower Otay Lake Reservoir.

In order to have continuous access to these parcels and the overall Preserve lands, the County, City, and/or its designee will need access to an existing dirt road as it passes through the following parcels currently owned by the City of San Diego, Water Department.

APN 595-050-12
APN 595-050-13
APN 647-020-11
APN 647-030-02

The City of San Diego owned parcels and the access roads to be used by the County, City, and/or its designee are also shown on the attached Exhibits "B" and "C". Currently the land surrounding the City of San Diego's parcels remain undisturbed and are owned by various private and public agencies, such as U.S. Fish and Wildlife Service and the California Department of Fish and Game.

By signing below, the City of San Diego, Water Department confirms receipt of this letter and hereby grants permission to the County of San Diego, City of Chula Vista, and/or its designee to use the subject access road over City of San Diego, Water Department owned land until terminated by written notice from either party to the other.

POM staff looks forward to working with the City of San Diego on the conservation, management, and monitoring of Otay Ranch Preserve lands. If you have any questions regarding this letter, please contact Megan Hamilton, County Group Program Manager at 858-966-1377 or megan.hamilton@sdcounty.ca.gov or Josie McNeeley, City Associate Planner at 619-409-5422 or jmcneeley@ci.chula-vista.ca.us.

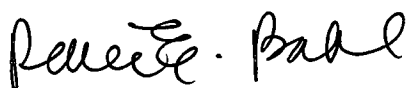
Owner: City of San Diego, Water Department

By: _____

Title: _____

Date: _____

Sincerely,



RENÉE E. BAHL, Director
County of San Diego Department of Parks and Recreation

Right of Entry Request
to Otay Ranch Preserve Lands

April 27, 2009

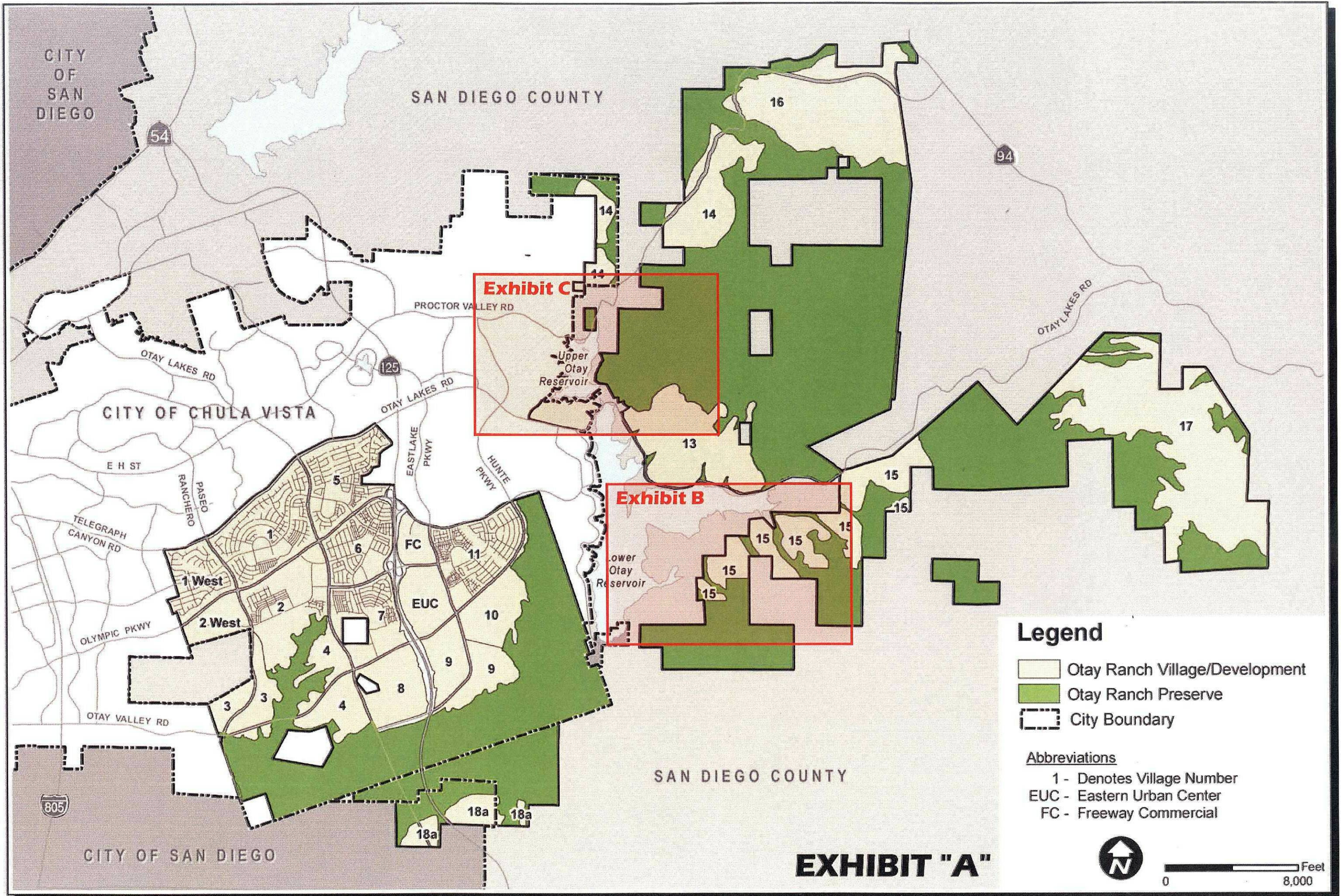
A handwritten signature in black ink, appearing to read "Gary Halbert". The signature is stylized with a large, looped "G" and a cursive "Halbert".

GARY HALBERT, Director of Development Services/Deputy City Manager
City of Chula Vista

REB;cg

cc: Steve Geitze, Real Estate Assets, City of San Diego
Marisa Lundstedt, City Principal Planner
Josie McNeeley, City Associate Planner
Megan Hamilton, County Department of Parks and Recreation (DPR) Group
Program Manager
Cheryl Goddard, County DPR Environmental Planner

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Legend

- Otay Ranch Village/Development
- Otay Ranch Preserve
- City Boundary

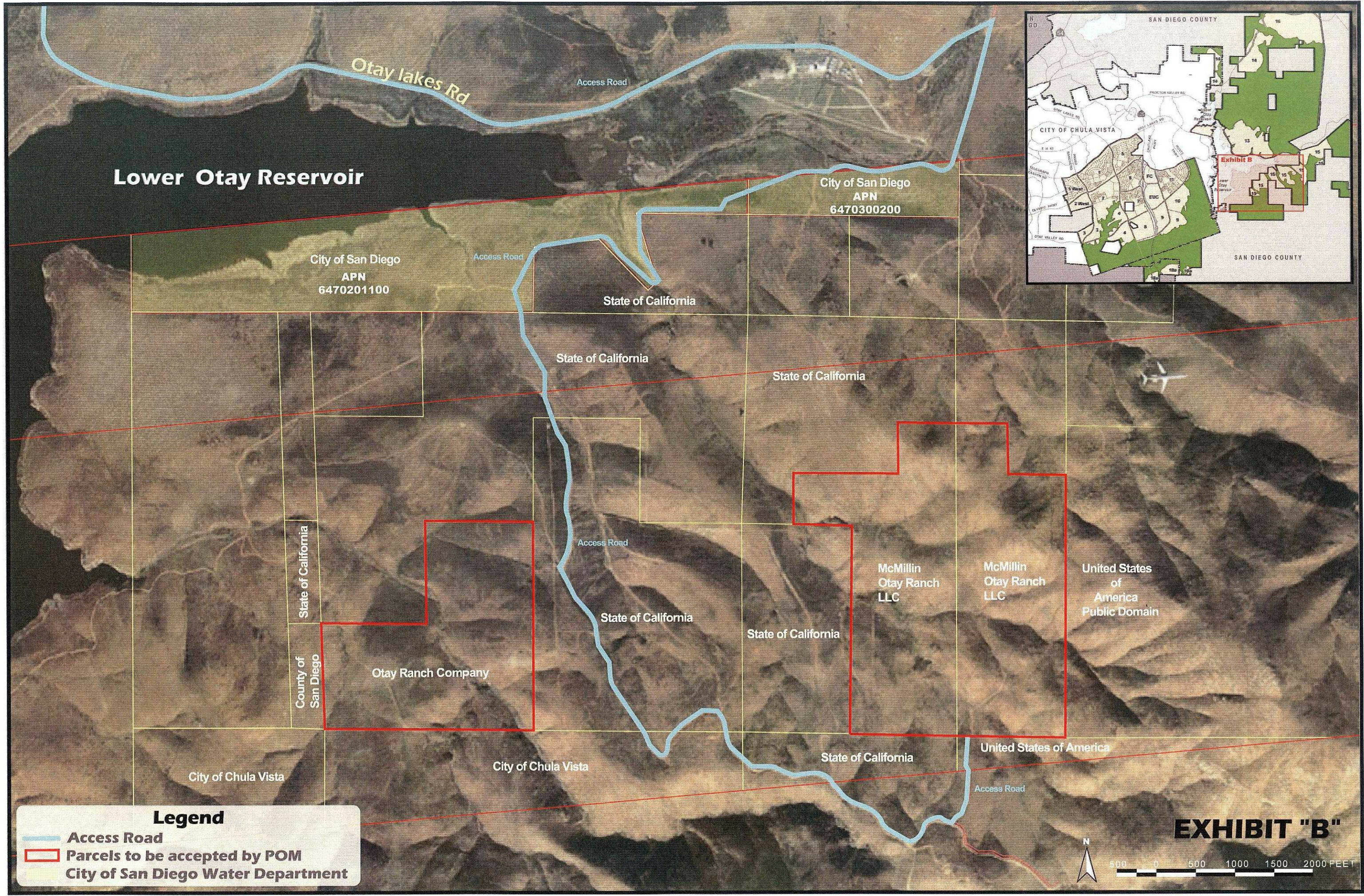
Abbreviations

- 1 - Denotes Village Number
- EUC - Eastern Urban Center
- FC - Freeway Commercial

EXHIBIT "A"



0 8,000 Feet



Lower Otay Reservoir

City of San Diego
APN
6470201100

City of San Diego
APN
6470300200

State of California

State of California

State of California

State of California
County of
San Diego

Otay Ranch Company

State of California

State of California

McMillin
Otay Ranch
LLC

McMillin
Otay Ranch
LLC

United States
of
America
Public Domain

City of Chula Vista

City of Chula Vista

State of California

United States of America

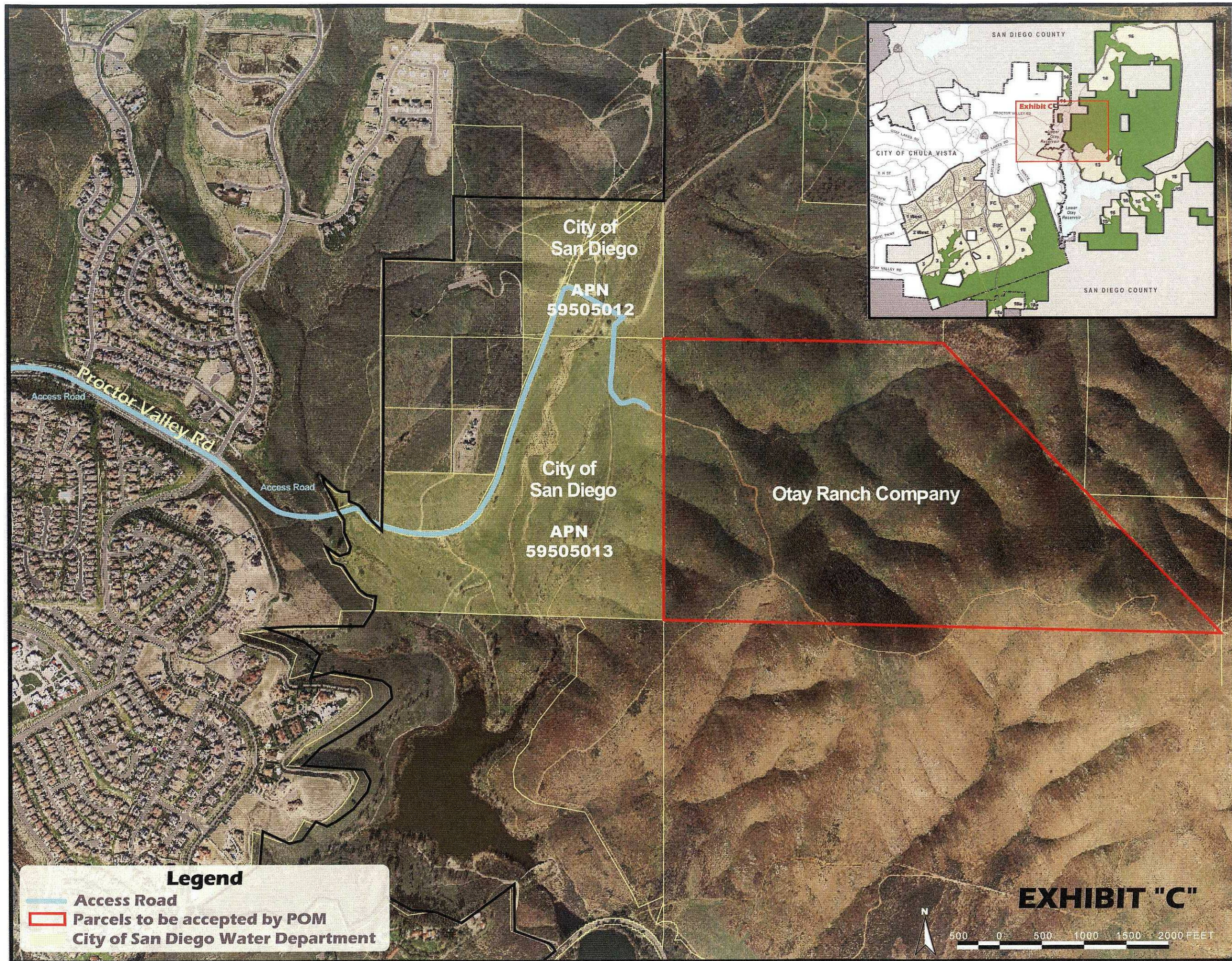
Legend

- Access Road
- Parcels to be accepted by POM
- City of San Diego Water Department

EXHIBIT "B"



500 0 500 1000 1500 2000 FEET



Legend




-  Access Road
-  Parcels to be accepted by POM
-  City of San Diego Water Department

EXHIBIT "C"

500 0 500 1000 1500 2000 FEET



County of San Diego

DEPARTMENT OF PARKS AND RECREATION

RENÉE E. BAHL
DIRECTOR

Administrative Office: (858) 694-3030
Fax: (858) 495-5841
Reservations: (858) 565-3600

www.sdparks.org

April 27, 2009

Tim Dillingham, Wildlife Area Manager
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, CA 92123

Dear Mr. Dillingham:

RE: RIGHT OF ENTRY REQUEST TO OTAY RANCH PRESERVE LANDS

The Otay Ranch Preserve (Preserve) is a hard-line preserve and includes over 11,000 acres to be set-aside as mitigation for impacts to sensitive resources resulting from Otay Ranch development that will occur both within the County of San Diego (County) and the City of Chula Vista (City). The Preserve has been designed and will be managed specifically for protection and enhancement of multiple species present on Otay Ranch. These dedicated conservation lands will also serve to connect large areas of open space through a series of wildlife corridors, including connections between regional open spaces such as Otay Reservoir and San Miguel Mountain. The County and the City, currently serving as the Otay Ranch Preserve Owner/Manager (POM), manage and monitor lands conveyed to the Preserve.

As POM staff has previously discussed, the County and the City are in the process of accepting title to property within the Preserve. The County and the City require access to the Preserve lands for the purpose of monitoring and maintaining the biological resources of these lands in perpetuity. The property owner conveying the Preserve lands is also granting the County and City access over surrounding property they own via dirt roads that currently exist. At this time, the County and City are in the process of accepting title to two parcels currently owned by McMillin Company and Otay Ranch Company. These parcels in question are southeast of the Lower Otay Lake Reservoir (Exhibit A).



Right of Entry Request
to Otay Ranch Preserve Lands

April 27, 2009

In order to have continuous access to these parcels and the overall Preserve lands, the County, City, and/or its designee will need access to an existing dirt road as it passes through the following parcels currently owned by the California Department of Fish and Game (CDFG).

APN 647-030-06
APN 647-030-07
APN 647-030-09
APN 647-030-10
APN 647-020-13

APN 647-090-03
APN 647-090-05
APN 647-100-02
APN 647-150-01
APN 647-150-03

The CDFG owned parcels and the access roads to be used by the County, City, and/or its designee are also shown on the attached Exhibit "A". Currently the land surrounding the CDFG parcels remain undisturbed and are owned by various private and public agencies, such as U.S. Fish and Wildlife Service and the Bureau of Land Management.

By signing below, the State of California confirms receipt of this letter and hereby grants permission to the County of San Diego, City of Chula Vista, and/or its designee to use the subject access road over State owned land until terminated by written notice from either party to the other.

POM staff looks forward to working with the State on the conservation, management, and monitoring of Otay Ranch Preserve lands. If you have any questions regarding this letter, please contact Megan Hamilton, County Group Program Manager at 858-966-1377 or megan.hamilton@sdcounty.ca.gov or Josie McNeeley, Associate Planner at 619-409-5422 or jmcneeley@ci.chula-vista.ca.us.

Owner: State of California, Department of Fish & Game

By: _____

Title: _____

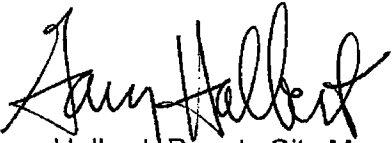
Date: _____

Sincerely,


for RENÉE E. BAHL, Director
County of San Diego Department of Parks and Recreation

Right of Entry Request
to Otay Ranch Preserve Lands

April 27, 2009

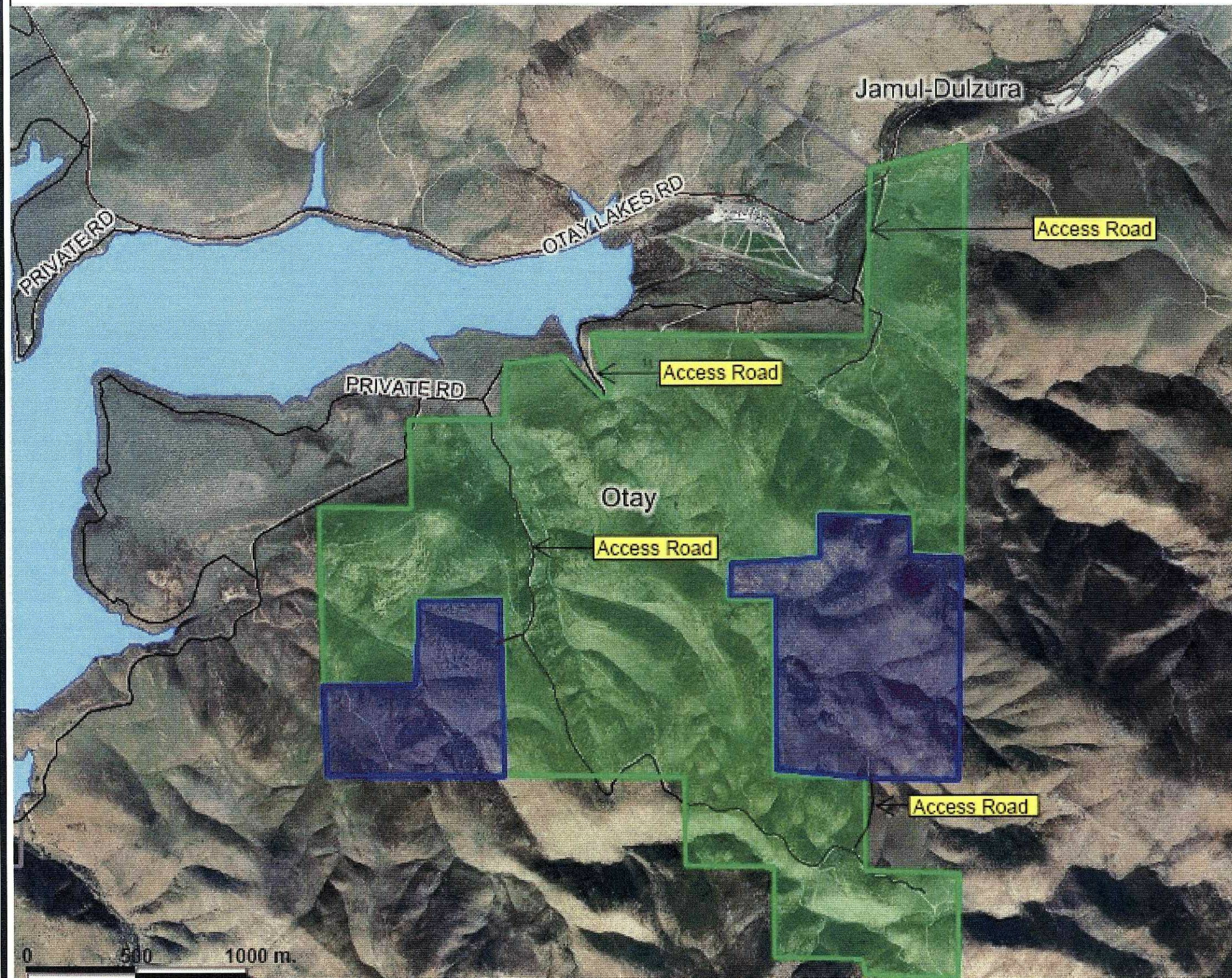
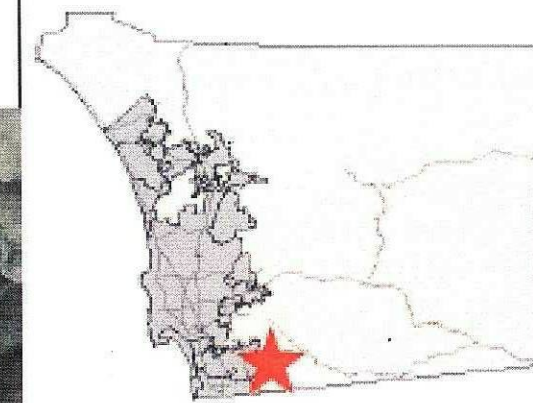
A handwritten signature in black ink, appearing to read "Gary Halbert". The signature is stylized with a large initial "G" and a long, sweeping underline.

Gary Halbert, Deputy City Manager
City of Chula Vista

REB;cg

cc: Karen Miner, CDFG
Marisa Lundstedt, City Principal Planner
Josie McNeeley, City Associate Planner
Megan Hamilton, County Department of Parks and Recreation (DPR) Group
Program Manager
Cheryl Goddard, County DPR Environmental Planner

Exhibit A - Access through CDFG lands to Otay Ranch Preserve Lands



Legend

- Highways
- Freeways
- Streets
- Water Bodies
- Water Bodies
- Sponsor Groups
- Sponsor Groups
- Other
- Community Planning Area
- Community Planning Areas
- 2007 Orthophoto South West
- 2007 Orthophoto South East
- 2007 Orthophoto North West
- 2007 Orthophoto North East
- CDFG lands
- Otay Ranch Preserve lands to be transferred to the County and City



Scale: 1:28,232

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Map Center: 32° 37' 23.8" #034; N, 116° 53' 46.8" #034; W

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RE: April 17, 2009 Mediation
JAMS Ref. No. 1240019392

Counsel:

On April 17, 2009, the undersigned conducted a mediation with representatives of the City of Chula Vista (City) and the County of San Diego (County). Appearing for the City were Jill Maland, Maria Lundredt and Josie McNeely. Appearing for the County were Mark Mead, Cheryl Goddard, Megan Hamilton and Lea Ann Carmichael.

The mediation ended without a resolution of the issue(s) presented. The undersigned was requested to prepare a written recommendation based upon the information received during the mediation session. The Mediator therefore submits the following recommendation with the understanding that it is protected under the provisions of California Evidence Code §§1115-1128.

ARGUMENTS

The primary issue presented was whether the City has the authority under the Joint Powers Agreement (JPA)¹ of March 16, 1996, to site future infrastructure on Preserve land, within the City's boundaries, without the County's approval.

This issue arises from the terms of the conveyance of land, that is set aside for open space (Preserve), in the Otay Ranch project. Under the JPA, the City and County would take joint title to the land, regardless of whether the open space land or the related development was in the City limits or in the unincorporated area of the County.

The City's initial position would have allowed the development to convey the title to the Preserve land to the City and County with a reservation of rights to the grantor for an easement to place infrastructure on the Preserve land at a time in the future. During the mediation session, alternative proposals were discussed with the City. These proposals included having the reservation of rights given to the City, instead of the developers, to control the siting of future facilities on Preserve land, within the City's boundaries and without the County's approval.

¹ The stated purpose of the JPA was to coordinate the planning, design and operation of the Preserve.

The County contends that, as a member of the JPA and the Preserve Owner/Manager (POM), it is a joint owner of the land and has a right to jointly decide where and what is to be built on the property. The County took the position during the mediation that it was not willing to surrender its ownership rights and duties regarding the use of the Preserve land. Specifically, the County argues that the City may not force the County to take title to this land under terms the County finds objectionable. Both the City and County must agree to the terms of the conveyance. The County thus contends that when it comes to establishing or acquiring an easement for future specific infrastructure, the City must obtain the approval of the County, as one of the owners of the Preserve land.

The City takes the position that although the City and County are to be joint owners of the Preserve land, the City has the absolute authority and obligation to decide on the installation of public infrastructure to support new development. The City refers to its police powers, the Subdivision Map Act and the City's general plan to support its position. The City further refers to the regulatory and policy documents governing the Preserve, which the City argues reserves the future siting to it, without the requirement of County approval.

Specifically the City refers to the Otay Ranch General Development Plan/Subregional Plan (GDP/SRP), which contemplates the installation of public utilities, including water and drainage. Additionally, the City refers to the Resource Management Plan (RMP) in the following particulars:

- 1) Policy 2.12 - Permits the installation of drainage, siltation and detention facilities.
- 2) Policy 6.6 - Infrastructure may be allowed within the Preserve under specific guidelines.
- 3) Policy 8.3 - The improvement plans (installation of infrastructure) shall be subject to approval by the appropriate jurisdiction (City or County) and review by the Preserve Owner/Manager (POM).
- 4) Policy 9.6 - The RMP may be amended by the legislative body having jurisdiction over the use of the land, subject to review and comment by the POM.

After referencing the JPA, the GDP/SRP, the POM and the Multiple Species Conservation Program Plans (MSCP), the City takes the position that:

1. The City alone may reserve easements for the installation of future infrastructure within the City's boundaries.
2. The City has the sole authority to approve the siting of future facilities within the City's boundaries.
3. The POM role regarding future facilities is limited to review and comment of the infrastructure plans and not to veto the City's decision.

RECOMMENDATION


The JPA gives joint legal title to the City and the County. As such, each owner has the rights and duties afforded to any owner of real property held for the benefit of the public. Under the joint ownership of the Preserve, neither the City nor the County appear to have the unilateral right to make ultimate decisions to impact the Preserve. Both entities are given the responsibility to be the protectors/stewards of the Preserve.

When the joint ownership interests of the Preserve were set forth in the mid 90's, it is not known whether the City and County contemplated the impact that ownership might have on the standard recognized rights of jurisdiction to control the siting of facilities. Arguably, both the City and the County can veto the approval process of the other regarding such sitings. Whether this potential impact would be realized in the future is speculative.

Both the City and the County have presented strong arguments supporting their respective positions. The issue thus becomes political in nature. If the JPA remains as written, Section 4 conveys the land to the City and County to be held as joint owners. Each party could thus impact the processing of easements and siting of future facilities.

The Mediator would recommend that the JPA and any related policy documents be amended to allow the respective entities to control the siting of future facilities on Preserve land, which is within their respective boundaries. However, any decision made should occur only after requesting, receiving and considering any recommendation from POM. This would be the cleanest approach. Otherwise, there would be a continuing tension between the joint owners regarding each new grant of land and each new siting of facilities.

Dated: April 21, 2009.


Hon. Robert E. May (Ret.)
Mediator

Actuals/Projected Expenditures for FY08-09 POM Budget

Tasks	Budget	Actual Expenditures for Quarter 1-3	Projected Expenditures for Quarter 4	Projected Remaining Funds	Notes
Administration					
CFD Consultant	\$18,000	\$13,067.79	\$4,355.93	\$576.28	Calculation of max tax and tax rates for district. Addresses period inquiries from POM staff/City Finance staff
City Staff/County Staff Time					
City Staff					
Environmental Manager	\$20,800	\$12,551.11	\$4,183.70	\$4,065.19	Meeting prep for PMT/PC , Working Group, and POM staff meetings. Research and budget prep. Coordination w/County POM staff and Resource Agencies.
Engineering	\$15,000	\$9,393.40	\$3,131.14	\$2,475.46	City Finance staff addresses CFD inquiries related to expeditures. Reserves, and FY budget prep.
Counsel	\$5,000	\$22,165.00	\$7,388.33	-\$24,553.33	Legal staff recently assigned. Time spent getting up to speed and conducting research for coorespondence to County Counsel regarding future infrastructure. Also attends briefings and PMT/PC meetings.
County Staff					
DPR Staff	\$52,456	\$44,115.14	\$15,058.80	-\$6,717.94	Coordinates and attends POM Staff, Working Group, PMT, and Policy Committee meetings; Prepares agendas, handouts, and presentations for POM meetings; Coordinates acceptance of fee title transfers and acknowledgment/acceptance of IODs; Edits management plans; Manages the biological monitoring contract; Manages the POM website; Reviews planning documents that may impact the Preserve; and Coordinates with OVRP Joint Staff.
Counsel	\$4,496	\$15,462.90	\$1,124.00	-\$12,090.90	Attends POM briefings and PMT/PC meetings. Reviews/responds to POM documents as needed.
General Services	\$2,748	\$700.00	\$1,000.00	\$1,048.00	Reviews Preliminary Title Reports and
Administration Total	\$118,500	\$117,455.34	\$36,241.90	-\$35,197.24	
Preserve Operation and Maintenance					
County Seasonal Park Attendant	\$36,000	\$23,499.06	\$10,264.80	\$2,236.14	Attends site visits with POM Staff and Applicants prior to land being conveyed to the POM; Removes trimmings, rubbish, debris, and other solid waste from POM lands; Maintains existing truck trails to POM lands; Enforces the "no trespassing" rules by patrolling access routes and prohibiting off-road traffic; Maintains fences and gates; and Coordinates with other law enforcement agencies.
Preserve Equipment and Improvements					
Fence Maintenance	\$3,000	\$0.00	\$0.00	\$3,000.00	At this time, the Seasonal Ranger has not identified areas in need of fencing repairs
Minor Equipment, i.e. Hand/Power Tools	\$5,000	\$0.00	\$0.00	\$5,000.00	At this time, the purchasing of hand/power tools is not necessary. Current funds may be needed for replacement of damaged tools.
Signs	\$3,000	\$0.00	\$0.00	\$3,000.00	Currently the supply of signage is adequate. Purchasing of new signage is not anticipated at this time.
Preserve Operation and Maintenance Total	\$47,000	\$23,499.06	\$10,264.80	\$13,236.14	
Resource Monitoring Program					
Biological Resources: Expanded/Enhanced Baseline Survey OR Active Management	\$100,000	\$0.00	\$0.00	\$100,000.00	Monies to be carried forward to FY09/10 budget in order to conduct surveys in Spring 2009. As part of the existing Dudek contract, the following tasks will be completed: - Initial CAGN survey for 300 acres not previously identified in contract - Spring floral surveys - QCB surveys - Herp arrays Total cost for these task is esimated at \$89,200. The remaining \$10,800 will be reallocated to the Preserve Steward/Biologist as directed by the PMT on March 17, 2009 at a Special PMT Meeting. Working Group provided recommendations for reallocation of remaining funds. Complete list of tasks to be completed is provided separately.
Biological Resources: On-Going Surveys	\$65,000	\$0.00	\$0.00	\$65,000.00	Monies to be carried forward to FY09/10 budget in order to fund a contract for a Preserve Steward/Biologist as directed by the PMT on March 17, 2009 at a Special PMT Meeting.
Baseline Survey	\$175,000	\$0.00	\$0.00	\$175,000.00	This amount was to be used to conduct baseline biological surveys for land to be conveyed to the POM in 2008. Land was not transferred to the POM, therefore, the funding will be reallocated to the Preserve Steward/Biologist as directed by the PMT on March 17, 2009 at a Special PMT Meeting.
Resource Monitoring Program Total	\$340,000	\$0.00	\$0.00	\$340,000.00	
SUB TOTAL FY08-09 (Admin, Maint, and Monitoring)	\$505,500	\$140,954.40	\$46,506.70	\$318,038.90	
Carry forward from Y07-08 Resource Monitoring Program	\$60,000	\$0.00	\$0.00	\$60,000.00	Although no money has been expended at this time, the following tasks have been completed in association with the existing Dudek contract: - vegetation mapping - invasive plants - floral surveys - cagn/cawr surveys - avian wetlands species - general butterfly surveys A final baseline biological report is expected to be submitted by Summer 09. Because this submittal will be completed in the upcoming fiscal year, this amount will be carried forward to the FY09/10 budget.
GRAND TOTAL	\$565,500	\$140,954	\$46,507	\$378,038.90	

**Draft 09/10 POM Budget
(Presented to PMT on 01.23.09)**

Task	Projected Expenditures
Administration	
CFD Consultant	\$18,540
City Staff/County Staff Time	
City Staff	
Environmental Manager	\$21,424
Engineering	\$15,450
Counsel	\$5,150
County Staff	
DPR Staff	\$59,740
Counsel	\$4,631
General Services	\$2,830
Administration Total	\$127,765
Preserve Operation and Maintenance	
Park Ranger	\$74,000
Preserve Equipment and Improvements	
Fence Maintenance	\$1,000
Minor Equipment, i.e. Hand/Power Tools	\$1,000
Preserve Operation and Maintenance Total	\$76,000
Resource Monitoring Program	
Baseline Surveys	\$202,500
On-Going Surveys	\$65,000
Resource Monitoring Program Total	\$267,500
Preserve Ops, Maint, and Resource Monitoring Total	\$343,500
TOTAL FY09-10 (Admin, Maint, and Monitoring)	\$471,265
Carry forward from FY07/08 Resource Monitoring Program	\$60,000
Carry forward from FY08/09 Resource Monitoring Program	\$340,000
GRAND TOTAL FY09-10 (Including Carry Forward)	\$871,265

**Revised 09/10 POM Budget
(Per 0.3.17.09 Special PMT Meeting)**

Task	Projected Expenditures
Administration	
CFD Consultant	\$18,540
City/County Staff Time	
City Staff	
Environmental Manager	\$21,424
Engineering	\$15,450
Counsel	\$5,150
County Staff	
DPR Staff	\$59,740
Counsel	\$4,631
General Services	\$2,830
Administration Total	\$127,765
Preserve Operation and Maintenance/Resource Monitoring	
Preserve Steward/Biologist (To conduct preserve operation and maintenance tasks and monitoring pursuant to approved SOW)	\$343,500
Preserve Ops, Maint, and Resource Monitoring Total	\$343,500
TOTAL FY09-10 (Admin, Maint, and Monitoring)	\$471,265
Carry forward from FY07/08 Resource Monitoring Program	\$60,000
Carry forward from FY08/09 Resource Monitoring Program	\$340,000
GRAND TOTAL FY09-10 (Including Carry Forward)	\$871,265

POM Budget Forecast (CFD 97-2)
Showing FY07-08 thru FY13-14
May 13, 2009

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
FISCAL YEAR	NUMBER OF TAXABLE PARCELS ¹	AVERAGE PER PARCEL ASSESSMENT ² (D/B)	MAXIMUM LEVY AMOUNT	CHANGE IN REVENUE FROM ASSESSMENT COMPARED TO PREVIOUS FY (D2-D1/D2)	REVENUE ³ [D-(D*0.2107)]	CARRY FORWARD BALANCE (RESERVE) ⁴	HEALTH OF THE CARRY FORWARD BALANCE (RESERVE) ⁵ (G/N)	INTEREST EARNED ON FUND BALANCE ⁶	TOTAL ANNUAL FUNDING AVAILABLE (F+G+I)	ADMIN (INCLUDES COLA)	PRESERVE STEWARD/BIOLOGIST			TOTAL EXPENDITURES (K+L+M+N)	DIFFERENCE BETWEEN REVENUE + INTEREST EARNED AND TOTAL EXPENDITURES (F+I)-O	YEAR-END BALANCE (J-O)
											OPERATIONAL EXPENDITURES ⁷	TOTAL BASELINE SURVEY EXPENDITURES ⁸	TOTAL ON-GOING BIOLOGICAL SURVEY EXPENDITURES ⁹			
¹ 2007-08	9,536	\$40.12	\$382,623		\$362,206	\$284,044	94.68%	\$18,905	\$665,155	\$195,720	\$110,000	\$0	\$0	\$300,000	\$81,111	\$365,155
² 2008-09	9,536	\$53.52	\$510,339	25.03%	\$407,404	\$365,155	194.79%	\$15,000	\$787,559	\$153,697	\$33,764	\$0	\$0	\$187,461	\$234,943	\$600,098
³ 2009-10	10,212	\$51.47	\$525,649	2.91%	\$419,626	\$600,098	68.88%	\$15,000	\$1,034,723	\$127,765	\$76,000	\$351,700	\$315,800	\$871,265	(\$436,639)	\$163,458
⁴ 2010-11	10,212	\$53.02	\$541,419	2.91%	\$432,215	\$163,458	34.23%	\$15,000	\$610,673	\$131,598	\$78,402	\$157,500	\$110,000	\$477,500	(\$30,285)	\$133,173
⁵ 2011-12	10,212	\$54.61	\$557,661	2.91%	\$445,181	\$133,173	28.13%	\$15,000	\$593,354	\$135,546	\$80,454	\$112,500	\$145,000	\$473,500	(\$13,319)	\$119,854
⁶ 2012-13	10,212	\$56.25	\$574,391	2.91%	\$458,536	\$119,854	23.76%	\$15,000	\$593,391	\$139,612	\$82,388	\$112,500	\$170,000	\$504,500	(\$30,964)	\$88,890
⁷ 2013-14	10,212	\$57.93	\$591,623	2.91%	\$472,293	\$88,890	17.34%	\$15,000	\$576,183	\$143,801	\$86,199	\$112,500	\$170,000	\$512,500	(\$25,207)	\$63,683

Assumptions:

¹The number of taxable parcels will be updated as more development within Otay Ranch is completed or annexed into the district.

²The Average per parcel assessment is for illustrative purposes only, as parcel classification varies and effects each parcel's tax rate.

³Revenue factors a delinquency rate of 21.07% to the levy amount. This delinquency rate reflects the delinquency for the first installment (12/10/09). It is important to note out of the 10,212 parcels taxed in the district, 864 parcels have not paid the first installment resulting in a deliquency rate of 8.46%.

⁴The Carry Forward Budget (Reserve) is equal to the funds remaining at the end of the previous fiscal year.

⁵The Health of the Carry Forward Budget (Reserve) is equal to the fund balance over current year budget. The minimum amount is set by the City's Open Space Policy, i.e. Minimum is 50% of the FY Total Budget, maximum is 100% of the FY Total Budget. Ideal Reserve health is between 75% to 100%.

⁶The actual interest earned for FY07-08 was \$18,905. For every FY after 07-08, it is assumed that the fund balance will earn \$15,000 in interest.

⁷The Operational Expenditures previously included the cost of a Seasonal Park Attendant/Park Ranger salary, and Preserve equipment and improvement costs. Pursuant to the 3/13/09 Special PMT meeting, it was determined that the Preserve Steward/Biologist would conduct basic stewardship duties in addition monitoring tasks. Costs associated with Operational Expenditures will be reassessed each fiscal year based on proposed work plan prepared by the Preserve Steward/Biologist.

⁸Baseline surveys are one-time costs and are completed on newly conveyed lands. The cost of baseline surveys is calculated at \$225/ac. It is assumed that: 900 acres will be conveyed to the POM in FY09-10; 700 acres in FY10-11; and 500 acres each year after FY10-11.

⁹On-going biological surveys are annual biota monitoring costs on POM managed lands. The cost of on-going biological surveys is calculated at \$50/acre.

Note to Reader:

Approval of Village 13, within the unincorporated County, will require the creation and implementation of a CFD administered by the County of San Diego. This will help defray the costs to manage and monitor the Preserve once homes are built and assessments charged.

Costs associated with operations and maintenance, baseline surveys, and on-going monitoring will be reassessed each fiscal year based on a proposed work plan to be prepared by the Preserve Steward/Biologist.

For FY2008/2009, staff has updated the costs associated with administration, operations and maintenance, and monitoring with the FY08/09 actuals.

For FY2009/2010, rollover funds (in the total amount of \$400,000) from FY08/09 have been factored into the budget for FY09/10 for completion of baseline surveys and on-going monitoring.